



Blackstone Pronouncing Law Dictionary

*Definitions and Phonetic Spelling of the More Common
Words and Phrases Encountered by the Law Student*

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PREFACE

Other law dictionaries are larger and more complete but for the most part do not give the pronunciation of words. The purpose of this dictionary is to provide the law student or layman with simple definitions and pronunciations of the more common legal terms. As a result, a careful selection has been made of all legal words and phrases and only those likely to confront the law student will be found herein. Definitions are short and confined to technical meanings as they pertain to law exclusively.

A method of phonetic spelling has been adopted so that the reader can determine the proper pronunciation quickly and surely. No particular difficulty should be encountered if the reader will follow the phonetic spelling as normally as possible. Variations may be discovered in spelling to indicate the same sounds but these are the result of a desire to follow no set pattern and they should not be considered as indicative of variations in the sounds themselves.

It is hoped that this dictionary, as a companion volume to the text volumes of the Modern American Law series, will provide the law student with a concise, practical law dictionary in the same manner as the text series provides a clear, simple statement of the law on each topic.

A

A (*a*). A preposition in Latin meaning from, by, of, at.
A preposition in French meaning of, at, to, for, in, with.

A FORTIORI (*a for-she-o'-rye*). With stronger reason;
all the more.

A MENSA ET THORO (*a men'-sa et tho'-ro*). From
bed and board.

A PAIS (*ah pay*). At issue.

A POSTERIORI (*a pos-te-re-o'-rye*). From a later point
of view. From the effect to the cause.

A PRIORI (*a pre-o'-rye*). From what has gone before.
From the cause to the effect.

A QUO (*a kwo*). From which.

A VINCULO MATRIMONII (*a ving'-ku-lo mat-ri-
mo'-ne-eye*). From the bond of matrimony. A divorce
destroying the marriage contract completely.

AB (*ab*). From, by, of.

AB ANTE (*ab an'-te*). In advance; before.

AB ANTECEDENTE (*ab an-te-see-den'-te*). Before-
hand.

AB ANTIQUO (*ab an-tee'-kwo*). From antiquity; from
ancient times.

AB INITIO (*ab in-nish'-i-o*). From the beginning. En-
tirely.

AB INITIO MUNDI (*ab in-nish'-i-o mun'-dye*). From the beginning of the world.

ABANDON (*a-ban'-don*). To give up fully a right or interest.

ABANDONEE (*a-ban-don-nee'*). The one to whom property is abandoned or given up.

ABANDONMENT (*a-ban'-don-ment*). The relinquishment of property or rights.

ABATE (*a-bate'*). To beat down, destroy, put an end to.

ABATEMENT (*a-bate'-ment*). A reduction, diminution, or termination.

ABATOR (*a-bay'-tor*). One who abates or terminates a nuisance. Also, one who takes possession of land after the death of the former possessor and before entry by heir or devisee, to the prejudice of the latter.

ABDICATION (*ab-di-kay'-shun*). The giving up or renunciation of an office, power, or right.

ABDUCTION (*ab-duck'-shun*). The taking or carrying away of a person by force or through fraud. Originally, the person was either a man's wife, child, or ward.

ABET (*a-bet'*). To command, incite, or aid another to commit an offense.

ABETTOR (*a-bet'-tor*). The one who aids or abets: the instigator.

ABEYANCE (*a-bay'-ans*). In expectation. The condition of property or rights when held in a state of suspension or in expectancy.

ABIDE (*a-bide'*). To obey, wait for, or conform to.

ABJUDICATE (*ab-jude'-i-kate*). To take away or consider wrong by judgment of a court.

ABJURATION (*ab-jur-ray'-shon*). Renunciation of country or belief.

ABORTION (*a-bore'-shon*). The unlawful destruction or premature delivery of the human foetus before the natural time of birth.

ABRIDGE (*a-brij'*). To shorten, cut down, or reduce.

ABRIDGEMENT (*a-brij'-ment*). A shortened version of a larger work. A condensation.

ABROGATION (*ab-ro-gay'-shon*). The repeal of a former law. Annulment.

ABSCOND (*ab-skond'*). To withdraw from one's usual haunts to avoid legal proceedings.

ABSQUE (*abz'-kwee*). Without.

ABSQUE HOC (*abz'-kwee hoke*). Without this.

ABSTRACT (*ab'-strakt*). An abridgement. A brief history of proceedings or of some record.

ACCEPTANCE SUPRA PROTEST (*ak-sep'-tans sue'-pra pro'-test*). The acceptance by one not liable thereon of a bill of exchange which has been protested.

ACCESSION (*ak-sesh'-on*). Increase; augmentation; the right to the increase or addition to one's own property either through natural or artificial causes.

ACCESSORY (*ak-sess'-o-ree*). A person who while not actually present contributes to or aids in the commission of a crime, (1) by inciting, encouraging or commanding another to commit it (accessory before the fact); (2) by standing by and not giving such aid as is in his power to prevent the crime (accessory during the fact); or (3) by aiding and concealing the offender with knowledge that a crime has been committed (accessory after the fact).

- ACCOMMODATION** (*ak-kom-o-day'-shon*). An obligation accepted without consideration in behalf of another.
- ACCOMPLICE** (*ak-kom'-pliss*). One who unites with others in the commission of a crime.
- ACCORD** (*a-kord'*). An agreement to accept something different from or less than that which was originally bargained for. When the agreement has been executed and the obligation extinguished, it is known as accord and satisfaction.
- ACCOUNT** (*a-kount'*). A course of business dealings between parties or the record of debits and credits arising from such dealings. The form of action by which recovery is sought of the balance due as shown by such record.
- ACCOUPLE** (*a-kupp'-l*). To unite; to marry.
- ACCRETION** (*a-kree'-shon*). An increase or addition to property resulting from natural causes, such as addition to the soil by deposits of a river.
- ACCRUE** (*a-krew'*). To grow to or augment; to fall due; to mature.
- ACCUMULATIVE JUDGMENT** (*a-ku'-mu-lay-tiv juj'-ment*). A second or additional judgment or sentence passed upon one who has already been convicted, to go into effect after expiration of the first.
- ACCUSATION** (*ak-u-zay'-shon*). A formal declaration that another is guilty of an offense or misconduct.
- ACKNOWLEDGMENT** (*ak-noll'-ej-ment*). An avowal or admission of the truth of certain facts.
- ACQUETS** (*ah-kay'*). Property acquired otherwise than by inheritance.

ACQUIESCENCE (*ak-wee-ess'-ens*). Passive compliance or conduct from which consent may be implied.

ACQUISITION (*ak-wi-zish'-on*). The act by which one secures the property in something.

ACQUITTAL (*a-kwitt'-al*). A release, discharge, or deliverance from some engagement or charge of guilt.

ACQUITTANCE (*a-kwitt'-ans*). An agreement discharging payment of a sum due.

ACT (*akt*). That which is done, established or performed. A statute or law passed by some legislative body.

ACT IN PAIS (*akt in pay*). Not a matter of record; a judicial act performed out of court.

ACTA DIURNA (*ak'-ta dye-ur'-na*). Daily records of affairs; a journal of events.

ACTA PUBLICA (*ak'-ta poob'-li-ka*). Things of general knowledge and concern.

ACTIO (*ak'-she-o*). An action or cause of action.

ACTION (*ak'-shun*). An act or series of acts; the proceedings in a court to enforce a right or to punish a wrong.

ACTION EX CONTRACTU (*ak'-shun eks kon-trak'-tu*). An action for breach of a duty or obligation based on an expressed or implied contract.

ACTION EX DELICTO (*ak'-shun eks de-lik'-to*). An action arising from breach of a duty not based on contract.

ACTIONABLE (*ak'-shun-a-ble*). For which an action lies or remedy exists.

AD (*ad*). At; by; for; to; near; on account of; until; upon.

AD DAMNUM (*ad dam'-num*). To the damage. That part of a writ which states the amount of plaintiff's injury.

AD DIEM (*ad dye'-em*). At the day; on the very day.

AD HOC (*ad hoke*). For this; for this special purpose.

AD INTERIM (*ad in'-te-rim*). In the meantime.

AD LITEM (*ad lye'-tem*). For the suit.

AD RESPONDENDUM (*ad re-spon-den'-dum*). To make answer.

AD SATISFACIENDUM (*ad sa-tis-fa-she-en'-dum*). To satisfy.

AD VALOREM (*ad va-lo'-rem*). According to the valuation.

AD VITAM (*ad vye'-tam*). For life.

ADEPTION (*a-dem'-shun*). Cancellation of a legacy, by reason of acts of the testator indicating an intent to revoke, such as parting with the subject matter of the legacy.

ADIT (*ad'-it*). A tunnel or horizontal entry to a mine.

ADJECTIVE LAW (*aj'-ek-tiv law*). That part of the body of law which provides the method for enforcing rights or for redressing injuries. The rules of procedure by which substantive law is given effect.

ADJOURNMENT (*a-jurn'-ment*). The dismissal of a hearing or assembly either finally (adjournment sine die) or to some other appointed time (temporary adjournment).

ADJUDGE (*a-juj'*). To decide judicially.

ADJUDICATION (*a-ju-di-kay'shun*). A judgment; the pronouncing of the judgment in a case.

ADJURATION (*ad-ju-ray'-shun*). A promise or swearing upon oath.

ADMINISTRATION (*ad-min-is-tray'-shun*). The management or conduct of an office or position; the management of the executive branch of government; the management of the estate of a deceased person.

ADMINISTRATION AD COLLIGENDUM (*ad-min-is-tray'-shun ad koll-i-jen'-dum*). Administration that is granted for collecting and preserving goods about to perish.

ADMINISTRATION CUM TESTAMENTO ANNEXO (*ad-min-is-tray'-shun kum tes-ta-men'-to an-neks'-o*). Administration of the estate of a decedent who left a will in which an executor was not named or, if one was named, he died or could not act.

ADMINISTRATION DE BONIS NON (*ad-min-is-tray'-shun de bo'-nis non*). Administration of such part of an estate as was not administered by a former executor or administrator.

ADMINISTRATION DURANTE ABSENTIA (*ad-min-is-tray'-shun du-ran'-te ab-sen'-she-a*). Administration of an estate during the absence of the executor.

ADMINISTRATION PENDENTE LITE (*ad-min-is-tray'-shun pen-den'-te lye'-te*). Administration of an estate pending the controversy over the will or right of appointment.

ADMINISTRATOR (*ad-min'-is-tray-tor*). The person appointed to manage and distribute the estate of a decedent.

ADMINISTRATRIX (*ad-min-is-tray'-triks*). A woman who administers an estate.

ADMIRALTY (*ad'-mir-al-tee*). A court having juris-

diction of maritime causes, both civil and criminal. Also, that part of the law relating to the jurisdiction and practice of admiralty courts.

ADMISSIBLE (*ad-miss'-i-bl*). Capable of being admitted, conceded, or allowed.

ADMISSION (*ad-mish'-on*). An acknowledgment of the existence or truth of certain facts; act by which one may become a member of a company, society, or profession.

ADOPTION (*a-dop'-shun*). The act by which one takes the child of another into his home and treats him as his own.

ADULTERY (*a-dull'-ter-ee*). Voluntary sexual intercourse between a married person and one not that person's husband or wife.

ADVANCEMENT (*ad-vans'-ment*). An irrevocable gift by a parent to a child, made in anticipation and to be deducted in whole or part from the share of the child in the parent's estate.

ADVERSE ENJOYMENT (*ad'-verse en-joy'-ment*). The use of an easement or privilege under a claim of right against the owner of the land out of which the easement arises.

ADVERSE POSSESSION (*ad'-verse po-sess'-shun*). The actual and visible possession of land under an apparent claim or color of right.

ADVOCATE (*ad'-vo-kate*). An adviser; one who pleads for another in court.

AFFIANT (*a-fye'-ant*). One who makes an affidavit.

AFFIDAVIT (*af'-i-day'-vit*). A statement or declaration, reduced to writing and sworn to before an officer authorized to administer an oath.

AFFINITY (*a-fin'-i-tee*). The relationship existing in consequence of marriage rather than of blood, between each of the married persons and the kindred of the other.

AFFIRM (*a-firm'*). To make firm, to ratify, as to confirm the judgment of a lower court or to ratify or confirm a voidable contract.

AFFIRMATION (*af-er-may'-shun*). A solemn declaration of the truth of some fact, to take the place of an oath.

AFFIRMATIVE PREGNANT (*a-fer'-ma-tiv preg'-nant*). An affirmative allegation in pleading implying some negative in favor of the adverse party.

AFFRAY (*a-fray'*). The fighting of two or more people in a public place to the disturbance of the peace.

AFFREIGHTMENT (*a-frate'-ment*). A contract for the use or hire of a vessel.

AFORESAID (*a-four'-sed*). Previously described or spoken; before mentioned.

AFORETHOUGHT (*a-four'-thawt*). Premeditated; thought of beforehand.

AGENCY (*ay'-jen-see*). The contract by which one person, the agent, is authorized to represent another, the principal, in certain business transactions.

AGENDA (*a-jen'-da*). An outline of things to be done; a program of matters to be attended to.

AGGRAVATION (*ag-ra-vay'-shun*). That which increases the seriousness of a crime or tortious act, or is reason for enhancing damages for an injury.

AGISTMENT (*a-jist'-ment*). The pasturing and feeding of cattle of others for a consideration.

AGISTOR (*a-jiss'-ter*). One who makes a business of pasturing the live stock of others.

ALDERMAN (*all'-der-man*). A member of the legislative body of a city.

ALIAS (*ay'-lee-us*). Otherwise; otherwise known as. May also refer to a second or similar writ as one issued before in the same cause.

ALIBI (*al'-i-bye*). Elsewhere; evidence to prove that one charged with a crime was in a different place at time offense was committed.

ALIEN (*ale'-yen*). A foreigner. A person holding allegiance to a foreign government.

ALIENATE (*ale'-yen-ate*). To convey; to transfer property. To cause another to lose affection in a wife or husband.

ALIMONY (*al'-i-moe-nee*). The allowance which a husband is compelled by order of court to give his divorced or separated wife.

ALITER (*al'-i-ter*). Otherwise.

ALIUNDE (*ay-lee-un'-dee.*). From another place; from another source.

ALIUS (*ay'-li-us*). Other; another thing or person.

ALLEGATION (*al-ee-gay'-shun*). An assertion; the statement of a party as to what he can prove.

ALLEGIANCE (*a-lee'-jans*). The duty which a subject owes to his sovereign in return for the protection given him.

ALLOCUTION (*al-o-kue'-shun*). The formality of asking a prisoner, adjudged guilty, why sentence should not be pronounced.

ALLODIUM (*a-loe'-di-um*). An estate held by absolute ownership with no superior to account to.

ALLONGE (*a-lonj'*). A piece of paper attached to a note or bill of exchange for the purpose of adding more endorsements.

ALLOTMENT (*a-lot'-ment*). A share or portion; a distribution.

AMBIGUITY (*am-bi-gue'-i-ti*). Uncertainty of meaning in some expression of a written instrument. Latent ambiguity arises where the instrument itself seems clear but some matter aside from the instrument gives doubt to its meaning. Patent ambiguity is that which is apparent from study of the instrument itself.

AMBULATORY (*am'-bu-la-tor-ee*). Moveable; subject to change; alterable.

AMENABLE (*a-meen'-a-bl*). Tractable; easily influenced or governed. Liable to punishment; responsible.

AMENDMENT (*a-mend'-ment*). The correction, by court permission, of an error committed in the progress of a cause. An addition to or modification of an existing law.

AMERCEMENT (*a-mers'-ment*). A fine or money penalty imposed on an offender by a judicial tribunal, usually for making a false statement or for failure on the part of one of its own officers to perform some duty.

AMICABLE ACTION (*am'-i-ka-bl ak'-shun*). An action brought to obtain the judgment of a court upon some disputed question but instituted by mutual consent of the parties and carried on in a friendly way without unnecessary wrangling.

AMICUS CURIAE (*a-mye'-kus ku'-ri-ee*). A friend of

the court. Any person who with no interest in the cause may be permitted to interpose and inform the court as to the law or on some matter of which the court may be in doubt.

ANCIENT DEMESNE (*ayn'-shent de-mane'*). Manors recorded in the Domesday Book as being in the hands of the crown at the time of William the Conqueror.

ANCIENT DOCUMENTS (*ayn'-shent dok'-u-ments*). Deeds, wills and other writings more than thirty years old.

ANCILLARY (*an'-si-lare-ee*). Auxiliary; subordinate but aiding another proceeding.

ANIMO (*a'-ni-mo*). With intent.

ANIMO ET CORPORE (*a'-ni-mo et kor'-po-re*). By the intent and the physical act.

ANIMO FELONICO (*a'-ni-mo fe-lo'-ni-ko*). With felonious intent.

ANIMUS (*an'-i-mus*). Mind. The intention with which an act is done.

ANIMUS CANCELLANDI (*an'-i-mus kan-se-lan'-dye*). An intention to destroy or cancel.

ANIMUS CAPIENDI (*an'-i-mus kap-i-en'-dye*). The intention to take.

ANIMUS FURANDI (*an'-i-mus fu-ran'-dye*). The intention to steal.

ANIMUS MANENDI (*an'-i-mus ma-nen'-dye*). The intention of remaining.

ANIMUS RECIPIENDI (*an'-i-mus re-sip-i-en'-dye*). The intention of receiving.

ANIMUS REPUBLICANDI (*an'-i-mus re-pu-bli-kan'-*

dye). The intention of republishing.

ANIMUS REVERTENDI (*an'-i-mus re-ver-ten'-dye*).

The intention of returning.

ANIMUS REVOCANDI (*an'-i-mus re-vo-kan'-dye*).

The intention to revoke.

ANIMUS TESTANDI (*an'-i-mus tes-tan'-dye*). The intention to make a will.

ANNEXATION (*an-eks-ay'-shun*). The joining of one thing to another, ordinarily a smaller to a larger or something incidental to a principal object.

ANNI NUBILES (*an'-nye nu'-bi-leez*). The age at which a girl is capable to enter marriage, i.e. age of twelve.

ANNOTATION (*an-no-tay'-shun*). A footnote in a book to add to the meaning of some statement.

ANNUITY (*a-nu'-i-tee*). A yearly sum paid to one for life or for years.

ANNUL (*a-null'*). To make void; to nullify or abolish.

ANTE (*an'-tee*). Before. Often used in a book to refer the reader to a previous section.

ANTE-DATE (*an'-tee-date*). To date an instrument with a time that occurred prior to its execution.

ANTE LITAM (*an'-tee lye'-tam*). Before suit.

ANTE-NUPTIAL (*an-tee-nup'-shal*). Before marriage.

APPEAL (*a-peel'*). The resort to a higher court to correct the mistake of an inferior one.

APPEAR (*a-peer'*). To be properly before a court. When relating to facts or evidence, it means clear to the understanding.

APPEARANCE (*a-peer'-ans*). The submission of a

party to the jurisdiction of the court.

APPELLANT (*a-pel'-ant*). The one who makes appeal from one court to another.

APPELLATE COURT (*a-pel'-ate kort*). A reviewing court, to which causes may be taken by appeal, certiorari, or writ of error.

APPELLEE (*ap-e-lee'*). The party against whom an appeal is taken. May also be known as respondent.

APPENDANT (*a-pen'-dant*). Annexed or belonging to something superior.

APPORTIONMENT (*a-por'-shun-ment*). The division, partition, or distribution of a subject-matter in proportionate parts.

APPRAISEMENT (*a-praze'-ment*). A valuation or estimation of the value of property.

APPREHEND (*ap-re-hend'*). To understand; to be conscious or sensible of. To seize a person or arrest.

APPROPRIATION (*a-pro-pre-ay'-shun*). The setting apart of money or goods for a particular purpose.

APPURTENANCES (*a-per'-te-nan-ses*). Things or rights, although subordinate or incidental to some principal thing, yet necessary or valuable to its full use or enjoyment.

AQUA (*ah'-kwa*). Water. **AQUAE** (*ah'-kwe*). Plural of aqua. Waters, streams.

ARCHIVES (*ar'-kyvez*). A place where ancient records or documents are kept. The records or writings themselves which are preserved for posterity.

ARRAIGNMENT (*a-rain'-ment*). The formality by which a defendant in a criminal case is called before the bar of a court so that he may be informed of the

offense with which he is charged and asked whether he is guilty or not guilty.

ARRAY (*a-ray'*). The entire group of persons summoned to court and used for selection of jurors.

ARREARS (*a-rears'*) or **ARREARAGES** (*a-rear'-a-jus*). Money that is due but remains unpaid.

ARREST (*a-rest'*). To deprive a person of his liberty by authority of law.

ARREST OF JUDGMENT (*a-rest' of juj'-ment*). Refusal of a court, after verdict, to render judgment in a case, because on the face of the record the verdict appears to be wrong.

ARSON (*ar'-son*). A common law felony defined as the malicious burning of the house of another.

ARTICLES (*ar'-ti-kls*). Subdivisions of a written or printed document.

ARTIFICIAL PERSON (*ar-ti-fish'-al per'-son*). An inanimate body, such as a corporation, considered by law to be an individual.

ASCENDANTS (*a-sen'-dants*). Parents, grandparents, etc., from whom one is descended.

ASPORTATION (*as-por-tay'-shun*). The removal or carrying away of goods from one place to another—one of the essentials of larceny.

ASSAULT (*a-salt'*). A threat or intentional attempt to do physical injury to another. An assault coupled with intent to commit some additional crime, such as rape or robbery, is considered aggravated assault.

ASSAY (*a-say'*). Determining the purity or fineness of metals and the accuracy of weights and measures.

ASSEMBLY (*a-sem'-blee*). The meeting together of

numerous persons at one place.

ASSESS (*a-ses'*). To estimate the value of property for taxation. To fix the proportion which every person has to pay of any particular tax. To set an amount to be contributed by each toward some common goal.

ASSETS (*ass'-ets*). Property of any description available for the payment of the debts of a person or corporation.

ASSEVERATION (*a-sev-e-ray'-shun*). A solemn declaration, though not under oath, as to the truth of a statement.

ASSIGN (*a-sine'*). To make or set over; to transfer property. To select or designate for a particular purpose. To point out or set forth, as assign errors on a writ of error. The actual transfer of property is called an assignment; the one making it, the assignor; and the person receiving it, the assignee.

ASSIGNS (*a-sines'*) or **ASSIGNEES** (*ass-i-nees'*). Persons to whom property is transferred.

ASSIZE (*a-size'*). An ancient type of court, comprised of a certain number of men, who performed the functions of judge and jury. A statute. An action.

ASSIZES (*a-size'-es*). Sessions of two or more judges sent as commissioners of the king on circuits through the various counties of England to try such cases assigned to them.

ASSUMPSIT (*a-sump'-sit*). (Lat. he has undertaken). The name of an action to recover damages for breach of an oral or simple contract. If the promise or contract is expressed, special assumpsit is the action; if implied by law, general assumpsit is proper.

ASSURE (*a-shure'*). To make certain; to vouch for. To insure.

ASSURED (*a-shured'*). The person who has been insured against losses mentioned in a policy of insurance. In life insurance, it may refer to either the one whose life is insured or the one for whose benefit the insurance is taken.

ASSURER (*a-sure'-er*). An insurer; an underwriter.

AT LARGE (*at larj*). Free; unrestrained; open to controversy. Fully; in detail.

ATTACHMENT (*a-tach'-ment*). The process by which a person or property is seized through a court order or writ and placed in the custody of the law.

ATTAINDER (*a-tane'-der*). The penalties of forfeiture of property and corruption of blood attached by the ancient common law to a sentence of death for a crime. The passage of any statute of attainder is expressly forbidden by the U. S. Constitution.

ATTEMPT (*a-tempt'*). An act coupled with an intent to do a certain thing but falling short of the thing intended.

ATTEST (*a-test'*). To witness or testify. To affirm to be true. To witness the execution of an instrument and to subscribe one's name in testimony thereof.

ATTESTATION (*at-es-tay'-shun*). The act of witnessing the execution of an instrument and subscribing to it as a witness. The sentence or clause indicating such subscription and manner thereof is called the attestation clause.

ATTORN (*a-tern'*). To transfer services or homage to a new lord. To accept and acknowledge a new landlord. To turn over; to transfer to another money or goods.

ATTORNEY (*a-ter'-nee*). One who acts for another under appointment by the latter. An attorney ap-

pointed for one particular purpose, except a proceeding at law, when he is called an attorney at law, is known as an attorney in fact.

ATTORNEY-GENERAL (*a-ter'-nee-jen'-er-al*). The chief legal officer or prosecutor of the crown, federal government, or individual state.

AUDITA QUERELA (*awe-dye'-ta kwe-ree'-la*). An old common law action to enable a defendant to prevent an execution, because of some matter, arising after judgment, amounting to a discharge, which could not have been taken advantage of previously.

AUTRE (*owe'-tre*). Another.

AUTRE ACTION PENDANT (*owe'-tre ak'-shun pen'-dant*). A plea in abatement indicating the pendency of another suit for the same cause.

AUTRE DROIT (*owe'-tre drwa*). In right of another, as a trustee holding in right of beneficiary.

AUTRE VIE (*owe'-tre vee*). The life of another. An estate pur autre vie is an estate for or during the life of another.

AUTREFOIS (*owe-tre-fwa'*). Formerly; heretofore; previously.

AUTREFOIS ACQUIT (*owe-tre-fwa' a-kee'*). A plea made by the defendant in a criminal action that he was previously tried for the same offense and acquitted.

AUTREFOIS CONVICT (*owe-tre-fwa' kon-vikt'*). The same plea as autrefois acquit except that defendant was convicted.

AVAILS (*a-vales'*). Profits or proceeds.

AVER (*a-ver'*). To assert; to verify; to make or prove true.

AVERMENT (*a-ver'-ment*). A positive statement of facts, as opposed to an uncertain one.

AVOW (*a-vou'*). To make an avowal. To acknowledge the commission of an act and claim that it was done with right.

AVOWRY (*a-vou'-ree*). The pleading or answer of the defendant in an action of replevin to recover property distrained by defendant, acknowledging the taking, explaining the cause thereof, and claiming the right to do so.

AVULSION (*a-vul'-shun*). The loss from or addition to land of a considerable quantity of soil due to the sudden and perceptible action of water or other natural element.

AWARD (*a-ward'*). To grant or adjudge to. The judgment or decision of arbitrators or referees on a matter submitted to them. A judgment, sentence, or final decision.

B

BAIL (*bale*). The release of a person from legal custody on his own assurance or that of others that he will appear at the appointed time to answer the charge against him. The person or persons who act as sureties for the appearance of the one released.

BAIL BOND (*bale bond*). The bond or obligation signed by the defendant with sureties, conditioned on the appearance of defendant or performance by him of such acts as he is required to perform.

BAILEE (*bay-lee'*). The person to whom personal property is delivered under a contract of bailment, that is, for some specific purpose.

BAILIFF (*bay'-liff*). A sheriff's officer or deputy. One who is appointed to take charge of another's affairs.

BAILIWICK (*bay'-li-wick*). The jurisdiction or province of a sheriff or bailiff.

BAILMENT (*bale'-ment*). A delivery of personal property from one person to another under an expressed or implied contract to use the property for a specific purpose and to return it or account for it when such purpose has been accomplished.

BAILOR (*bay'-lor*). The one who commits the property to another (bailee) in a contract of bailment.

BAN (*ban*). A proclamation or public notice; announcement of an intended marriage. A sentence of excommunication.

BANC (*bank*) or **BANCUS** (*ban'-kus*). A bench; the seat or bench of justice.

BANKRUPT (*bank'-rupt*). An insolvent person. One who has done or allowed to be done some act which is by law declared to be an act of bankruptcy.

BANKRUPTCY (*bank'-rupt-see*). The condition of one who is a bankrupt.

BAR (*bar*). The railing in a courtroom to separate the public from the officers of the court. The members of the legal profession. A legal obstacle or barrier. A plea, constituting an answer to an action of law, defeating the action altogether.

BARON (*bare'-on*). A title of nobility, being the lowest in rank and most common in England.

BARONAGE (*bare'-on-aj*). Entire body of the barons, or of the nobility at large.

BARONET (*bare'-on-et*). An English hereditary title, more in nature of a dignity than of nobility.

BARONY (*baré'-on-ee*). The rank of a baron; the territory or lands held by a baron.

BARRATRY (*baré'-a-tree*). The crime of frequently exciting and stirring up quarrels or law suits. Any fraudulent or unlawful act of the master of a vessel or its mariners, tending to benefit themselves but to the detriment of the owner.

BARRISTER (*baré'-is-ter*). A person schooled in law who has been admitted to plead at the bar in England.

BARTER (*bar'-ter*). A contract by which goods are exchanged for other goods rather than for money, which latter is done in the case of a sale.

BASE (*base*). Inferior; of subordinate rank; impure; adulterated. The bottom or foundation of something. A place from which military or naval forces operate.

BASTARD (*bas'-terd*). An illegitimate child.

BASTARDY (*bas'-ter-dee*). The state of being a bastard. The offense of begetting a bastard child.

BATTERY (*bat'-er-ee*). The wilful and unlawful use of force or violence upon the person of another, or even the mere unlawful touching of the person of another by an aggressor or by any object put in motion by him.

BAWDY-HOUSE (*baw'-di-howse*). A house of prostitution or ill-fame.

BENCH (*bench*). The seat occupied by judges in courts; the court itself; or the judges as a whole, as distinguished from counsellors, who are known as the bar.

BENCH WARRANT (*bench war'-ant*). An order issued by a judge for the arrest of an individual.

BENEFICIARY (*ben-e-fish'-i-ar-ee*). A cestui que trust,

or the person for whose benefit a trust is created; the person who receives the profit or benefit from a contract, an estate, or insurance policy.

BEQUEATH (*be-kweeth'*). To make a gift of personal property by will, rather than of real property, in which latter case it is properly a devise.

BEQUEST (*be-kwest'*). A gift of personal property by will.

BESTIALITY (*bes-tial'-i-tee*). A crime consisting of sexual intercourse between a human and a lower animal.

BETTERMENTS (*bet'-er-ments*). Improvements of more value than ordinary repairs made to an estate.

BID (*bid*). An offer to pay a specific price for an article sold at auction. An offer to provide goods or perform services at a specified price.

BIGAMIST (*big'-a-mist*). A person of either sex who knowingly marries while a previous marriage exists.

BIGAMY (*big'-a-mee*). The crime of wilfully contracting a second marriage while the first marriage is still in effect.

BILATERAL CONTRACT (*by-lat'-er-al kon'-trakt*). A contract containing mutual promises between the parties, as in a sale, where one becomes bound to deliver the thing sold and the other to pay the price for it.

BILL (*bill*). The complaint in a suit of equity; a written statement of one's claim or account against another; the draft of a new law to be presented to a legislature for enactment.

BILL OF CERTIORARI (*bill of ser-she-o-ray'-rye*). A bill in equity to remove a cause from an inferior to a higher court.

BILL OF COSTS (*bill of kawsts*). An itemized statement of a party's costs and expenses in a suit or action.

BILL OF DISCOVERY (*bill of dis-kov'-er-ee*). A bill in equity seeking to discover facts peculiarly within the knowledge or control of another.

BILL OF EXCEPTIONS (*bill of ek-sep'-shuns*). Written objections by a party to a decision of a trial court upon a point of law and properly certified or acknowledged by the judge making the decision, so that it becomes a matter of record and subject to review by a higher court.

BILL OF EXCHANGE (*bill of eks-chanje'*). A written order from one party to another, directing the latter to pay a certain sum of money to a third party.

BILL FOR FORECLOSURE (*bill for for-klo'-shure*). A bill in equity to foreclose a mortgage, lien, or pledge.

BILL OF INDICTMENT (*bill of in-dite'-ment*). A written document presented to a grand jury accusing a person or persons of a crime or misdemeanor.

BILL OF INFORMATION (*bill of in-for-may'-shun*). A bill in equity instituted by the attorney-general or other proper officer in behalf of the state.

BILL OF INTERPLEADER (*bill of in-ter-plee'-der*). A proceeding in equity by which a party holding money or property belonging to others is able to have the opposing claims litigated, in order to determine to whom the property should be given.

BILL OF LADING (*bill of lade'-ing*). A memorandum or acknowledgment in writing, signed by a carrier, and indicating the receipt of goods and others terms of the contract of shipping.

BILL OF PARTICULARS (*bill of par-tick'-u-lars*). A

detailed statement of a party's cause of action or set-off, in order to acquaint opposing party of all matters about which he should have information.

BILL OF PEACE (*bill of pees*). A bill in equity for the purpose of litigating in one suit possible successive claims or similar claims of several persons, thus avoiding a multiplicity of suits.

BILL OF REVIEW (*bill of re-vue'*). A bill brought to have an equity court review, alter, or reverse a previous decree because of some error on a matter of law or because of the discovery of new evidence.

BILL OF REVIVOR (*bill of re-vy'-vor*). An equity bill to continue a suit that may have abated for some reason, such as death of plaintiff.

BILL OF SALE (*bill of sale*). Written evidence of the transfer of title to personal property from one party to another.

BLACK ACRE (*black ay'-kr*) and **WHITE ACRE** (*wyte ay'-kr*). Fictitious terms used by law writers to distinguish parcels of land from one another in the same way as the terms "A" and "B" are used to differentiate persons.

BLACKMAIL (*black'-male*). Extortion; the exaction of money by threats of violence or exposure of weaknesses or crimes of the victim.

BLASPHEMY (*blass'-fe-mee*). Contemptuous and irreverent words uttered with maliciousness against God, religion, or sacred things.

BLOCKADE (*blo-kade'*). The prevention by means of a competent naval force of entry to or exit from a port or town.

BLUE LAWS (*blu laws*). Any rigid and restrictive

Sunday laws or religious regulations.

BLUE SKY LAWS (*blu sky laws*). A law to prevent the sale of stock in fraudulent companies, such as may be formed in the exploitation of visionary oil wells, imaginary gold mines, etc.

BONA (*boe'-na*). Goods; personal property; real property.

BONA FIDE (*boe'-na fye'-d*). In good faith; honestly; without fraud or deceit. Real; genuine.

BOND (*bond*). An obligation in writing and under seal. A certificate or evidence of debt.

BONDAGE (*bon'-daje*). A form of restraint; captivity; involuntary servitude; slavery.

BONDSMAN (*bonds'-man*). A surety, particularly upon bonds of officers, trustees, etc.

BOOTY (*boo'-tee*). Personal property captured by a military force from a public enemy on land.

BOTTOMRY (*bot'-um-ree*). A contract in the form of a mortgage by which a ship or the freight it carries or both are pledged as security for a loan, which is to be repaid only in case the ship survives a particular risk, voyage, or period of time.

BOUNDARY (*boun'-da-ree*). The natural or artificial separation or separating line between two parcels of land.

BOUNTY (*boun'-tee*). An additional benefit given or extra compensation paid to a class of persons for some service considered beneficial to the public.

BOYCOTT (*boy'-kott*). A combination of several persons for the purpose of withholding their services from an employer or preventing others from dealing with him.

BREACH (*breech*). The violation of a right, duty, or law.

BREACH OF CLOSE (*breech of kloze*). An unlawful entry on another's land.

BREACH OF COVENANT (*breech of kuv'-e-nant*). Failure to perform the condition of a bond or covenant.

BREACH OF THE PEACE (*breech of the pees*). A disturbance of public order or peace.

BREACH OF TRUST (*breech of trust*). A violation by a trustee of any duty which he owes to the beneficiary of the trust.

BREACH OF WARRANTY (*breech of war'-an-tee*). The violation of a contract of warranty. The failure or falsehood of a promise or statement.

BREAKING (*brake'-ing*). Parting or dividing a solid substance by force and penetrating through such substance.

BREAKING BULK (*brake'-ing bulk*). The offense of opening a package or container entrusted to one's care and converting the contents to one's own use.

BREVE (*breev*). A writ, originally so-called because it stated briefly the matter in question. The plural is brevia.

BRIBERY (*bry'-ber-ee*). The offense of receiving or offering any undue reward to influence the behavior of one in performing the duties of a public office.

BRIEF (*breef*). A summary, abstract, or condensed statement. A document prepared by a counsel to acquaint an appellate court with the essential facts of his client's case, the questions of laws involved, and

the principles which should apply.

BRING SUIT (*bring sute*). The commencement of legal proceedings.

BROKER (*broe'-ker*). An agent paid on a commission basis to negotiate contracts relating to property, either real or personal, the possession or custody of which property is not in the agent.

BROTHEL (*broth'-el*). A house of prostitution.

BUGGERY (*bug'-er-ee*). Unnatural sexual relations, such as man or woman with a beast, a man with a man, or a man unnaturally with a woman.

BURDEN OF PROOF (*ber'-den of proof*). The necessity imposed on one party to prove facts in dispute on an issue raised between parties in a suit.

BURGLARY (*berg'-lar-ee*). The breaking and entering of a house of another in the night-time with the intent of committing a felony.

BY-LAWS (*by'-laws*). Rules and regulations adopted by a corporation or association for its own government, operation, and management.

C

CANON (*kan'-on*). A church officer. A law, rule, or doctrine.

CANON LAW (*kan'-on law*). The body of ecclesiastical law established by the Church of Rome over matters within its jurisdiction.

CAPIAS (*kay'-pi-as*). (*Lat. That you take.*) The general name for writs of attachment or arrest.

CAPIAS AD RESPONDENDUM (*kay'-pi-as ad res-*

pon-den'-dum). (*abb. ca. resp.*) A writ ordering the arrest of a defendant until security for plaintiff's claim be given.

CAPIAS AD SATISFACIENDUM (*kay'-pi-as ad sa-tis-fah-she-en'-dum*). (*abb. ca. sa.*) A writ ordering the arrest of defendant until plaintiff's claim against him has been satisfied.

CAPTION (*kap'-shun*). An arrest or seizure. The heading of a legal instrument.

CAPTURE (*kap'-chur*). The taking of property by military force. The acquisition of wild animals by confinement or killing.

CARNAL KNOWLEDGE (*kar'-nal noll'-ej*). Sexual intercourse.

CARRIER (*kare'-i-er*). One who transports persons or goods for hire.

CARTE BLANCHE (*kart blonsh*). A white sheet of paper; an instrument signed in blank, that is, with the terms to be filled in by the one to whom it is delivered. Thus, the words "carte blanche" have come to mean "unlimited authority."

CASE (*kase*). An action, cause, suit, or controversy either at law or in equity. An abbreviated name for "action on the case" or "trespass on the case".

CASE LAW (*kase law*). Principles and rules of law developed by judicial decisions, as distinguished from those created by statutes.

CAUSA (*kaw'-za*). A cause or reason; a consideration; a suit or action pending.

CAUSA MORTIS (*kaw'-za mor'-tis*). In expectation or by reason of death.

CAUSA PROXIMA (*kaw'-za prok'-si-ma*). The direct or proximate cause.

CAUSE (*kawz*). The reason, motive, or justification of an act. A suit, action, or any question contested before a court of justice.

CAUSE OF ACTION (*kawz of ak'-shun*). Ground on which or matter for which an action may be brought.

CAVEAT (*kay'-ve-at*). (*Lat. Let him beware.*) A formal notice by one interested in a matter, given to a judge or other officer to prevent the doing of some act. It is used especially in the patent office by an inventor to prevent the issue of a patent to another party until the former has opportunity to establish his priority.

CAVEAT EMPTOR (*kay'-ve-at emp'-tor*). (*Lat. Let the buyer beware.*) The doctrine that, in the absence of fraud or warranties, the purchaser buys at his own risk.

CERTIFICATE (*ser-tiff'-i-kate*). A signed statement by one in some official capacity authenticating the facts related therein.

CERTIORARI (*ser-she-o-ray'-rye*). A writ directed against an inferior court to bring the record of a cause into a superior court for re-examination and review.

CESTUI QUE TRUST (*ses'-twee kee trust*). The beneficiary; the one who has the beneficial interest in an estate although the legal title is in another.

CESTUI QUE USE (*ses'-twee kee uze*). The one for whose benefit land is held by another.

CESTUI QUE VIE (*ses'-twee kee vee*). The person whose life measures the duration of an estate.

CHALLENGE (*chal'-enj*). To object or take exception to; to put into dispute.

CHAMBERS (*chame'-bers*). A private room or office of a judge where he may hear and decide such matters as need not be heard in open court.

CHAMPERTY (*cham'-per-tee*). An agreement between one party to a suit and a third party or stranger to the suit, whereby the latter undertakes to conduct the suit at his own expense in consideration of receiving, if successful, a part of the thing in dispute or a profit from it.

CHANCELLOR (*chan'-sell-or*). The judge who presides over a court of chancery.

CHANCERY (*chan'-se-ree*). A court of equity. The system of jurisprudence administered in such courts.

CHARGE (*charj*). A duty or obligation or duty to impose such obligation. To accuse; to instruct a jury on matters of law.

CHARTER (*char'-ter*). To hire a vessel for a voyage. A grant of authority from a sovereign power. The fundamental law of a city or town.

CHATTEL (*chat'-el*). Every species of property, movable or immovable which is less than a freehold, that is, less than an estate in land of uncertain duration. Real chattels are interests which are annexed to or concern real estate, as a lease. Personal chattels are movable and may be carried about by the owner or transferred from place to place.

CHATTEL MORTGAGE (*chat'-el mort'-gaje*). A conditional sale of a chattel as security for the payment of a debt or the performance of some other obligation.

CHECK (*chek*). A written order on a bank, directing

it to pay to a specified person or to his order or to bearer a certain sum of money out of funds deposited with it by the drawer of the check.

CHOSE (*shoze*). A chattel; personal property; a cause of action.

CHOSE IN ACTION (*shoze in ak'-shun*). A right to recover by court action a debt or damages.

CHOSE IN POSSESSION (*shoze in po-zesh'-on*). A thing to which one is rightfully entitled and which he actually possesses or enjoys.

CIRCUIT (*ser'-kit*). The district in which a judge may hold court in several places.

CIRCUITY OF ACTION (*ser-kue'-i-tee of ak'-shun*). A more roundabout course of legal proceeding than is necessary to attain a desired goal.

CIRCUMSTANTIAL EVIDENCE (*ser-kum-stan'-shal ev'-i-dense*). Evidence that proves facts indirectly or by inference.

CITATION (*sy-tay'-shun*). A reference to legal authorities or precedents to prove the existence of some proposition. A writ or summons issued by a court ordering the one named therein to appear on a certain day and do what is mentioned therein.

CITE (*site*). To quote; to refer to legal authorities in support of an argument. To summon or order the appearance of a person in court.

CIVIL (*siv'-il*). Pertaining to man in his ordinary or normal relationships to his community.

CIVIL ACTION (*siv'-il ak'-shun*). An enforcement of a private right or redress of a private wrong, as opposed to criminal action, which pertains to a public wrong.

CIVIL DEATH (*siv'-il deth*). The loss by a living person of all civil rights.

CIVIL LAW (*siv'-il law*). The complete system of Roman law used as a foundation of jurisprudence in all European countries except England. The law dealing with civil rights as opposed to criminal law.

CIVIL REMEDY (*siv'-il rem'-e-dee*). A remedy in the nature of a suit or action by a private person to enforce a private right.

CIVIL RIGHTS (*siv'-il rites*). Rights to which any person, as a citizen, is entitled.

CIVIL WAR (*siv'-il war*). A war between citizens of the same nation.

CLAIM (*klame*). A demand; the assertion of a right. The assertion in a patent application as to precisely what the patent is. The tract of wild or mineral land staked out by a settler or miner for acquisition from the government.

CLOSE (*kloze*). An interest in land. Termination or winding up. Closed or sealed up.

CLOUD ON TITLE (*kloud on ty'-tl*). A claim or incumbrance which, if valid, would impair the title of the owner of some particular estate.

CO-ADMINISTRATOR (*ko-ad-min'-is-tray-tor*). One who is an administrator jointly with one or more others.

CODE (*kode*). A complete and systematic body of law enacted by the legislature of a state, arranging and classifying existing laws into a logical system.

CODICIL (*kod'-i-sil*). An addition or supplementary qualification to a will.

- COERCION** (*ko-er'-shun*). Compulsion; force; compelling a person whether by physical force or by reason of superior authority to do an act against his will.
- COGNOVIT** (*kog-no'-vit*). Defendant's admission that he has no defense and consent to have judgment entered against him. (*Also known as cognovit actionem.*)
- COHABIT** (*ko-hab'-it*) or **COHABITATION** (*ko-hab-i-tay'-shun*). Living together in the same house as man and wife.
- COLLATERAL** (*ko-lat'-e-ral*). Indirect; additional or auxiliary; related to.
- COLLOQUIUM** (*ko-lo'-kwi-um*). The averment or statement in a declaration for libel or slander that the words in question had reference to the plaintiff.
- COLLUSION** (*ko-lue'-zhon*). An agreement between persons to defraud another of his rights or to obtain an object forbidden by law, as in case of divorce where husband and wife connive to procure a divorce on trumped up grounds.
- COLOR** (*kull'-or*). A deceptive appearance of right or title; a prima facie or apparent right.
- COLOR OF TITLE** (*kull'-or of ty'-tl*). That which gives the appearance of title but is not the title in fact.
- COMBINATION** (*kom-bi-nay'-shun*). A union of people for unlawful purposes. In patent law, a composition of elements, either old or new, the combination of which is considered invention and patentable.
- COMITY** (*kom'-i-tee*). Courtesy; respect; willingness to abide by the law of another court, state, or nation although not required to do so.
- COMMERCIAL PAPER** (*ka-mer'-shal pay'-per*). Prom-

issory notes, checks, bills of exchange used by merchants and tradesmen for payment of money.

COMMITMENT (*ka-mitt'-ment*). The process by which a person is confined by order of court.

COMMON (*kom'-on*). A right or profit which one may have in connection with others in the land of another. A piece of land set aside for general or public use. Belonging equally to more than one; pertaining to all or to a number.

COMMON CARRIER (*kom'-on care'-ee-er*). One whose business it is to transport people or chattels for anyone who may choose to employ and pay him.

COMMON COUNTS (*kom'-on kounts*). Certain general statements of plaintiff's cause of action placed in a declaration to guard against defect of the claim through an accidental variance in the evidence.

COMMON LAW (*kom'-on law*). That system of jurisprudence which was developed in England and which is the basis of the law in the United States and other English-speaking countries. Those principles and rules which rest upon custom and usage or upon the judgments of the courts rather than upon the enactments of legislative bodies.

COMMON-LAW MARRIAGE (*kom'-on-law mare'-aj*). An agreement to marry, consummated by cohabitation but not solemnized by a church or civil wedding.

COMMON PLEAS (*kom'-on pleez*). A court having jurisdiction generally of civil actions.

COMMUNITY PROPERTY (*ka-mu'-ni-tee prop'-er-tee*). All property acquired by the efforts of either husband or wife during marriage and held by both as a common fund.

COMPETENCY (*kom'-pe-ten-see*). The quality of legal fitness or admissibility that renders the testimony of a witness or the introduction of other evidence acceptable.

COMPLAINANT (*kom-play'-nant*). The one who makes a complaint. The plaintiff in an equity proceeding.

COMPLAINT (*kom-plaint'*). The formal charge made before the proper officer that some person has committed a designated offense. The initial pleading, stating plaintiff's case and corresponding to the declaration under common law practice.

COMPOSITION (*kom-po-zish'-on*). An agreement between a debtor and his creditors by which the former agrees to pay and the latter to accept only a portion of the debts in satisfaction of the whole.

COMPOSITION OF MATTER (*kom-po-zish'-on of mat'-er*). A mixture or chemical combination of materials.

COMPOUND (*kom-pound'*). To compromise; to obtain a discharge from a debt by payment of a smaller sum.

COMPOUND INTEREST (*kom'-pound in'-ter-est*). Interest upon interest, as interest upon a principal sum plus accumulated interest.

COMPOUNDING A FELONY (*kom-pound'-ing a fell'-o-nee*). The offense of a party who is chiefly affected by a crime not to prosecute the felon on condition that the latter make amends or give a reward to the former.

COMPROMISE (*kom'-pro-mize*). Settlement of a law suit or matters in dispute by mutual concessions and the agreement of the parties.

COMPULSION (*kom-pul'-shun*). Force exerted upon a person to make him do what he otherwise would not.

CONCEALMENT (*kon-seel'-ment*). The improper suppression of any fact or circumstance, which in justice ought to be known, by one party to a contract from the other.

CONCLUSIVE (*kon-klue'-siv*). That which is final or decisive.

CONCURRENT (*kon-kur'-ent*). Contemporaneous; having the same authority; contributing to the same event.

CONDEMNATION (*kon-dem-nay'-shun*). The taking of property for public purpose under the right of eminent domain. The order by competent authority declaring a building or ship unfit for use. The passing of sentence upon one convicted of a crime.

CONDITION (*kon-dish'-on*). A qualification, restriction, or limitation modifying or destroying the original act with which it is connected.

CONDITIONAL LIMITATION (*kon-dish'-on-al lim-i-tay'-shun*). A provision in a conveyance indicating a condition or contingency by which the estate granted may be abridged or defeated and defining the third party who is to receive the estate upon the happening of the contingency.

CONDITIONAL SALE (*kon-dish'-on-al sale*). A sale in which the transfer of title to the buyer or his retention of it depends upon the performance of some condition made a part of the sale.

CONDONATION (*kon-doe-nay'-shun*). The forgiveness, either express or implied, of a marital wrong which the other has committed, conditioned upon its not being repeated, thus barring any remedy, as long as the condition remains unbroken, that the wronged party may have for the particular offense condoned.

CONFEDERACY (*kon-fed'-er-a-see*). A conspiracy or an agreement between two or more persons to do an unlawful act. The agreement by which two or more states or nations may unite for their mutual good.

CONFESSION (*kon-fesh'-on*). The admission by a person that he committed the crime with which he is charged.

CONFESSION AND AVOIDANCE (*kon-fesh'-on and a-voy'-dans*). A plea admitting the truth of facts as stated in the pleading to which it is an answer but nullifying their legal effect through the allegation of new and related facts.

CONFIDENTIAL COMMUNICATIONS (*kon-fi-den'-shal ko-mu-ni-kay'-shonz*). Those statements which are made by one person to another by reason of the relationship existing between them (such as client and attorney) and which because of public policy the person to whom they are made cannot be forced or is not allowed to disclose.

CONFIDENTIAL RELATION (*kon-fi-den'-shal re-lay'-shun*). A fiduciary relation, or any relation in which such confidence is reposed by one in another that the law requires the utmost good faith in all transactions between the parties.

CONFIRMATION (*kon-fer-may'-shun*). The act of making certain of that which before was doubtful. A conveyance making valid an estate which before was voidable.

CONFISCATE (*kon'-fis-kate*). To appropriate property for public use, especially in the case of property belonging to an enemy.

CONFISCATORY (*kon-fis'-ka-to-ree*). That which is unreasonable, tending to deprive one of his property

without due regard to his rights.

CONFLICT OF LAWS (*kon'-flikt of laws*). A division of the subject of international law, also known as private international law, which determines the rights of parties who may by certain acts be liable to conflicting laws of different states or countries.

CONFRONTATION (*kon-frun-tay'-shun*). The act of bringing a witness face to face with the accused in court, so that the prisoner may object to him or cross-examine, and so that the witness may identify the accused and maintain the truth of his testimony in his presence.

CONFUSION OF GOODS (*kon-fue'-zhon of goods*). Such a mixture of the goods of two or more persons that they cannot be distinguished.

CONJECTURE (*kon-jek'-chur*). An idea, notion, or guess founded upon slight evidence or none at all.

CONJUGAL (*kon-jue'-gl*). Of or pertaining to marriage or the marital state.

CONNIVANCE (*ko-nye'-vanse*). The intentional oversight or consent of one to the unlawful act of another.

CONSANGUINITY (*kon-sang-gwin'-i-tee*). Blood relationship; the relation existing between persons descended from the same ancestor. Lineal consanguinity means relationship in a direct line, as between son, father, grandfather, etc. Collateral consanguinity refers to relation among persons descended from the same common ancestor but not from each other, or, in other words, different branches of the same stock.

CONSENT (*kon-sent'*). Agreement; to be of one mind.

CONSENT JUDGMENT or **DECREE** (*kon-sent' juj'-ment*) or (*de-kree'*). A judgment based on the agree-

ment of the parties rather than on an adjudication of the matter in controversy.

CONSEQUENTIAL DAMAGES (*kon-se-kwen'-shal dam'-a-jus*). Damages arising not from the immediate act of a party but as an incidental result of such act.

CONSERVATOR (*kon'-ser-vay-tor*). A guardian; preserver; person appointed to take care of the estate of an incompetent person.

CONSIDERATION (*kon-sid-e-ray'-shun*). One of the essentials of a valid contract, and consisting of either a benefit to the promisor or a loss or detriment to the promisee.

CONSIGN (*kon-sine'*). To send goods to an agent or factor for the purpose of ultimate sale to another.

CONSIGNEE (*kon-si-nee'*). The one to whom goods are consigned.

CONSIGNMENT (*kon-sine'-ment*). The goods sent by one person to another to be sold by the latter for and on account of the former. A bailment for the purpose of sale.

CONSIGNOR (*kon-si-nor'*). The one who sends goods on consignment.

CONSOLIDATE (*kon-soll'-i-date*). To unite distinct things or parts of a thing into one.

CONSORTIUM (*kon-sor'-she-um*). The right of each party to a marriage to the company, affection, and aid of the other in every conjugal relation.

CONSPIRACY (*kon-spir'-a-see*). An agreement or combination of two or more persons to do an unlawful act or to do an act which may be lawful if done by one person but becomes unlawful if done in concert with others.

CONSTABLE (*kon'-sta-bl*). A municipal officer having the duties of preserving the peace in his district and of executing the orders of local magistrates, such as serving writs, levying executions, etc.

CONSTITUTION (*kon-sti-tu'-shun*). The basic and underlying system of laws and principles by which a state, corporation, or other group is governed.

CONSTITUTIONAL CONVENTION (*kon-sti-tu'-shun-al kon-ven'-shun*). An assembly of delegates of the people of a state or nation, summoned by the legislature to frame a new constitution or revise the old.

CONSTRUCTION (*kon-struck'-shun*). The interpretation or determination of the meaning and application, in some particular instance, of the provisions or terms of a constitution, statute, will, other instrument, or oral agreement.

CONSTRUCTIVE (*kon-struck'-tiv*). Inferred; implied; that which is considered by the law to be an act although the act is not actually performed.

CONSUL (*kon'-sul*). An officer appointed by a government to reside in a city of a foreign country to protect the commercial rights and privileges of his nation.

CONTEMPT (*kon-tempt'*). A wilful disregard, disobedience, or despising of a public authority.

CONTINGENCY (*kon-tin'-jen-see*). The possibility of happening; an event which may occur without design, foresight, or expectation.

CONTINGENT (*kon-tin'-jent*). Doubtful or uncertain, depending upon a future event which is itself uncertain.

CONTINGENT ESTATE (*kon-tin'-jent es-tate'*). An estate which depends for its effect upon an event which may or may not happen.

CONTINGENT REMAINDER (*kon-tin'-jent re-mane'-der*). An estate by which no present interest passes but which may be acquired in the future by an uncertain person or is to take effect on an event which may never happen.

CONTINUANCE (*kon-tin'-u-ans*). The postponement or adjournment of the trial of a cause.

CONTRA (*kon'-tra*). Over; contrary to; against; opposite.

CONTRA FORMAM STATUTI (*kon-tra for'-mam statu'-ty*). The customary conclusion of an indictment for an offense created by statute, meaning literally "contrary to the form of the statute".

CONTRABAND (*kon'-tra-band*). Articles which it is against the law to import or export.

CONTRACT (*kon'-trakt*). An agreement between two or more parties to do or not to do a particular thing.

CONTRIBUTION (*kon-tri-bu'-shun*). Payment, in proportionate parts by each or several persons having a common obligation, made to reimburse another who also had the same obligation and who paid the obligation for the others.

CONTRIBUTORY (*kon-trib'-u-tor-ee*). Additional; supplementary; aiding in the production of a given result.

CONTRIBUTORY NEGLIGENCE (*kon-trib'-u-tor-ee neg'-li-jens*). The negligence of a party damaged by an injury, which negligence contributed to and united with the negligence of another in causing the injury.

CONTROVERSY (*kon'-tro-ver-see*). A dispute; a civil action or suit, either at law or equity.

CONVERSION (*kon-ver'-shun*). The wrongful appro-

priation of the goods of another. The transformation—not actually but only in the eyes of the law—of real property into personal property or vice versa.

CONVEY (*kon-vay'*). To transmit or transfer the title of property from one to another.

CONVEYANCE (*kon-vay'-ans*). The instrument transferring the title of property.

CONVICT (*kon-vikt'*). To find guilty of a crime or misdemeanor.

CONVICT (*kon'-vikt*). The person condemned or found guilty of a crime.

CONVICTION (*kon-vik'-shun*). The judgment in a criminal trial of the guilt of the accused.

CO-OBLIGOR (*ko-ob-li-gor'*). One who is bound with others to fulfill an obligation.

CO-OWNERSHIP (*ko-own'-er-ship*). Ownership by more than one person.

COPARCENARY (*ko-par'-se-nar-ee*). The estate in land when it descends to two or more persons by whom it is held jointly as an entire estate.

COPARTNERSHIP (*ko-part'-ner-ship*). The same as partnership.

COPULATION (*kop-u-lay'-shun*). The act of satisfying sexual desire. The consummation of marriage.

COPY (*kop'-ee*). The transcript or duplicate of an original writing.

COPYHOLD (*kop'-ee-hold*). An estate at will—one which existed by reason of custom or the only evidence of which consisted in the record of the local court rolls.

COPYRIGHT (*kop'-ee-rite*). The exclusive right or privilege of printing, publishing and selling his creations, granted for a limited length of time, by statute to the author or creator of literary or artistic productions.

CORAM (*ko'-ram*). Before; in presence of.

CORAM IPSO REGE (*ko'-ram ip'-so ree'-je*). Before the king himself, hence before the court of king's bench.

CORAM NOBIS (*ko'-ram no'-bis*). Before us.

CORAM NON JUDICE (*ko'-ram non ju'-di-see*). Before one not the judge—acts done without jurisdiction.

CORAM VOBIS (*ko'-ram vo'-bis*). Before you; in your presence.

CORONER (*kor'-o-ner*). An officer whose principal duty it is to hold an inquest, with the assistance of a jury, over the body of any person who may have come to a violent death.

CORPORAL (*kor'-po-ral*). Bodily; relating to the body. A non-commissioned officer of the lowest grade in a military company.

CORPORATION (*kor-po-ray'-shun*). An artificial body, established by law for some specific or general purpose, made up of one or more natural persons, but continuing indefinitely without regard to changes in the individuals making up the membership.

CORPOREAL (*kor-poe'-re-al*). Possessing a material and tangible body; that which can be touched and seen.

CORPOREAL HEREDITAMENTS (*kor-poe'-re-al her-e-dit'-a-ments*). Such property as may be inherited that

are real and tangible, such as land and buildings.

CORPUS (*kor'-pus*). A body. The substance. The capital of a fund or estate as distinguished from the income.

CORPUS DELICTI (*kor'-pus de-lik'-ty*). The body of the offense; the essence of the crime; the substantial fact that a crime has been committed, necessary to be established before there can be a conviction.

CORROBORATING EVIDENCE (*ko-rob'-o-rate-ing ev'-i-dense*). Additional evidence to that already given to confirm and strengthen it.

CORRUPTION (*ko-rup'-shun*). Something against or forbidden by law. Any special influence on or delinquency in the administration of a public office.

CORRUPTION OF BLOOD (*ko-rup'-shun of blud*). The consequence of attainder in English law, the result being that the one attainted or bereft of civil rights could not transmit his estate to his heirs.

COSTS (*kawsts*). A monetary allowance awarded the successful party and recoverable from the losing party for his expenses in prosecuting or defending a suit.

COSTS DE INCREMENTO (*kawsts de in-kre-men'-toe*). Costs awarded by the court in addition to those assessed by the jury.

CO-SURETY (*ko-shure'-tee*). One of two or more sureties to the same obligation.

CO-TENANCY (*ko-ten'-an-see*). The tenancy existing when two or more persons are entitled to an undivided possession of land, although their estates in such land may be different.

COUNCIL (*koun'-sil*). An assembly; the legislative body of a city or municipality.

COUNSEL (*koun'-sel*). One or more attorneys representing parties in an action. Knowledge. Advice.

COUNSELOR AT LAW (*koun'-sel-or at law*). One who has been admitted to the bar.

COUNT (*kount*). The plaintiff's statement of his cause of action, or the different parts of a declaration, each of which alone might suffice as a ground for action.

COUNTERCLAIM (*koun'-ter-klame*). A claim which in itself would be a cause of action and which a defendant uses in opposition or deduction from the claim of plaintiff.

COUNTERFEIT (*koun'-ter-fit*). To unlawfully make copies of original things, such as money, and to pass them as the genuine article.

COUNTER-PLEA (*koun'-ter-plee*). A plea made in reply to another plea.

COUNTRY (*kun'-tree*). The geographical limits of an independent nation or people and the inhabitants of such territory. The inhabitants of a district from which a jury is to be summoned; a jury itself.

COUNTY (*koun'-tee*). A division of a state for convenient judicial and governmental administration.

COURT (*kort*). A place where justice is judicially administered. The judge or judges themselves, when duly convened.

COURT-MARTIAL (*kort-mar'-shal*). A military or naval court for the enforcement of the law of the service in which the offender is engaged.

COVENANT (*kuv'-e-nant*). A contract under seal; a deed; an agreement between two or more persons, entered into by deed, whereby is promised the per-

formance or non-performance of certain acts or that a certain state of things does or shall, or does not or shall not, exist. A form of action which lies to recover damages for breach of contract under seal.

COVENANT AGAINST INCUMBRANCES (*kuv'-e-nant a-genst' in-kum'-bran-sez*). A stipulation that there are no rights or interest, known or unknown, resting in third parties to the detriment of the state granted.

COVENANT FOR QUIET ENJOYMENT (*kuv'-e-nant for kwy'-et en-joy'-ment*). Assurance against the consequences of a defective title or any disturbance in the possession of the estate granted.

COVENANT OF WARRANTY (*kuv'-e-nant of war'-an-tee*). An agreement to make good any loss sustained by reason of a defect in title.

COVENANT RUNNING WITH LAND (*kuv'-e-nant run'-ing with land*). A covenant which goes with the land so that successive owners will be entitled to its benefit or liable to its obligation.

COVERTURE (*kuv'-er-chur*). The condition or state of a married woman.

CREDITOR (*kred'-i-tor*). The person to whom an obligation is owed.

CREDITORS' BILL (*kred'-i-tors bill*). A bill in equity, filed by one or more creditors, who having exhausted their remedies at law desire to collect out of the assets of the debtor or from his estate.

CRIME (*kryme*). A wrong which the government considers as injurious to the public and therefore punishes in a criminal proceeding in its own name.

CRIME AGAINST NATURE (*kryme a-genst' nay'-*

chur). Sodomy or buggery; unnatural sexual relations.

CRIMINAL CONVERSATION (*krim'-i-nal kon-ver-say'-shun*). Adultery; unlawful sexual intercourse with a married woman.

CRIMINAL INTENT (*krim'-i-nal in-tent'*). The intent to commit a crime; the evil state of mind accompanying a criminal act.

CROSS-ACTION (*kraws-ak'-shun*). A cause of action against the plaintiff, set up in defendant's plea or answer.

CROSS-BILL (*kraws'-bill*). A bill in equity, brought by a defendant against the plaintiff in the same suit or against plaintiff and other defendants, touching matters in question in the original bill.

CROSS-COMPLAINT (*kraws-kom-plaint'*). A plea or complaint filed by defendant against another defendant in same action or against a third party, rather than against plaintiff.

CROSS-EXAMINATION (*kraws-ek-zam-i-nay'-shun*). The examination of a witness by the party opposing the party who called him.

CROWN (*kroun*). The sovereign or king; the rights and duties belonging to the sovereign.

CULPABLE (*kul'-pa-bl*). Deserving of moral blame rather than of criminal liability; censurable; blamable.

CULPRIT (*kul'-prit*). A person who is guilty or who may be found guilty of a crime.

CUM (*kum*). With; together with.

CUM ONERE (*kum o'-ne-re*). With the burden; subject to a charge or incumbrance.

CUM TESTAMENTO ANNEXO (*kum tes-ta-men'-to*

an-neks'-o). With the will annexed.

CUMULATIVE (*kue'-mue-lay-tiv*). Additional; by way of increase.

CURIA (*kue'-ri-a*). A court of justice.

CURIA REGIS (*kue'-ri-a re'-jis*). The king's court.

CURTESY (*ker'-te-si*). An estate for life, to which a man is entitled to by the common law upon the death of his wife in land of an inheritable estate seized by her during coverture, provided they have had lawful issue born capable of inheriting the estate.

CUSTODIA LEGIS (*kus-toe'-di-a lee'-jis*). In the custody of the law.

CUSTODY (*kus'-toe-di*). The care and control of anything without necessarily divesting another of its possession. Imprisonment; physical detention.

CUSTOM (*kus'-tum*). Anything which has become established as law through long usage.

CUSTOM-HOUSE (*kus'-tum-house*). The official place or office where custom duties are paid.

CUSTOMS (*kus'-tums*). Such taxes as are levied upon goods and merchandise imported or exported.

CY-PRES (*see-pray'*). As near as. A rule followed by equity courts in the construction of instruments, whereby the intention of the maker is carried out "as near as may be practicable" when it would be impossible or illegal to carry it out literally.

D

DAMAGE (*dam'-aj*). The loss or injury caused by one person to another, or to his property, either through

accident, negligence, or actual design.

DAMAGE FEASANT (*dam'-aj fez'-ant*). Damage or injury which animals belonging to one person do upon the land of another.

DAMAGES (*dam'-ajs*). The compensation or indemnity recoverable by a person who has sustained an injury through the act or default of another.

DAMNUM ABSQUE INJURIA (*dam'-num abs'-kwee in-jue'-ri-a*). A wrong for which the law provides no remedy.

DE (*dee*). From; by; of; concerning; out of; about.

DE BENE ESSE (*dee bee'-nee ess'-ee*). Conditionally; provisionally; subject to future exception or change.

DE BONIS ASPORTATIS (*dee boe'-nis as-por-tay'-tis*). For goods taken away. Trespass de bonis asportatis is the technical name of the action of trespass for the taking of personal property.

DE FACTO (*dee fak'-toe*). Actually; in fact; in deed; a thing actually done although the legality of it may be questioned.

DE JURE (*dee joo'-ree*). Rightfully; lawfully; by legal title. Any government, be it deemed lawful or not, is a government de facto. A government de jure but not de facto is one that is deemed lawful but has been supplanted or is not established.

DE NOVO (*dee noe'-voe*). Anew; afresh; a second time.

DEBT (*dett*). What is owed a person under any form of obligation or promise. The name of the action which lies to recover a sum certain.

DEBT OF RECORD (*dett of rek'-ord*). A judgment debt—one that is due by evidence of a court of record.

DEBTEE (*det-tee'*). A creditor; the one to whom a debt is owed.

DEBTOR (*dett'-or*). The one who owes a debt.

DECEDENT (*de-see'-dent*). A deceased person.

DECEIT (*de-seet'*). Any false representation or impression, knowingly made with intent to deceive, and resulting in damage to the one imposed upon.

DECISION (*de-sizh'-on*). A judgment given by a person or by a tribunal.

DECLARANT (*de-klare'-ant*). One who makes a declaration.

DECLARATION (*dek-la-ray'-shun*). The pleading by which a plaintiff sets out his cause of action. A statement made by one of the parties to a transaction, sometimes admissible as evidence, as in the case of a dying declaration.

DECLARATORY (*de-klare'-a-tor-ee*). Something which explains or ascertains what before was uncertain or doubtful, as a declaratory judgment, which gives the court's opinion on a question of law without ordering anything to be done, or a declaratory statute, which merely declares or explains the law as it stood previous to the statute, in order to put an end to any doubt as to what the law is.

DECREE (*de-kree'*). The judicial decision or order of a court of equity, corresponding to the judgment of a court of law.

DECREE NISI (*de-kree' ny'-sy*). A provisional decree, which becomes absolute unless cause be shown against it or upon the happening of a prescribed contingency.

DECREE PRO CONFESSO (*de-kree' pro kon-fess'-so*). A decree entered in a court of equity in favor of plain-

tiff where the defendant has failed to appear or made no answer to the bill.

DECRETAL ORDER (*de-kree'-tal or'-der*). A chancery order, upon motion or petition, in nature of a decree.

DEDICATION (*ded-i-kay'-shun*). An appropriation of land to some public use, made by the owner, and accepted for such use by or on behalf of the public.

DEDIMUS POTESTATEM (*de'-di-mus po-tes-tay'-tem*). A writ, commissioning private persons to do some act in place of a judge, as examine witnesses and take testimony.

DEED (*deed*). A writing, containing a contract, sealed and delivered; a writing conveying real property.

DEED POLL (*deed pole*). A deed which only one party makes and which binds only such party.

DEFAMATION (*def-a-may'-shun*). The offense of injuring a person's character or reputation by false and malicious statements, either written or spoken.

DEFAULT (*de-fawlt'*). The failure to perform a duty or obligation. Failure of any party to take a step required of him in the progress of a cause.

DEFAULT DAY (*de-fawlt' day*). The last day upon which a defendant may appear and file his answer.

DEFAULT JUDGMENT (*de-fawlt' juj'-ment*). Judgment given to plaintiff by reason of failure of defendant to appear and make defense.

DEFEASANCE (*de-fee'-zans*). An instrument which defeats the force or operation of some other deed or of an estate.

DEFEASIBLE (*de-fee'-zi-bl*). Subject to being defeated or revoked upon the happening of some future event.

DEFECT (*de-fekt'*). The lack of something required by law.

DEFENDANT (*de-fen'-dant*). The party who is summoned to answer a charge or complaint in any type of action, civil or criminal, at law or in equity.

DEFENDANT IN ERROR (*de-fen'-dant in err'-or*). The party against whom a writ of error is sued out to reverse a judgment in such party's favor in a lower court.

DEFENSE (*de-fense'*). The answer of defendant to plaintiff's action. The conduct of a trial on behalf of defendant. The means of resistance against an attack.

DEFICIENCY JUDGMENT (*de-fish'-en-see juj'-ment*). A judgment rendered in a foreclosure suit against the person liable for the mortgage debt, for the amount still due the mortgagee after the sale of the property.

DEFINITIVE (*de-fin'-i-tiv*). Conclusive; final; that which terminates a suit.

DEFRAUD (*de-frawd'*). To cheat; to wrong another by fraud.

DEHORS (*de-horz'*). Unrelated to; foreign; outside of.

DELEGATE (*dell'-e-gate*). A representative; a person substituted for another. To appoint; to authorize.

DELEGATION (*del-e-gay'-shun*). The transfer of authority from one person to another. The whole body of delegates or representatives sent to a convention or assembly from any district or political unit.

DELICT or **DELICTUM** (*de-lik't'*) or (*de-lik'-tum*). A wrong or injury; a tort; an offense.

DELINQUENCY (*de-ling'-kwen-see*). Misconduct; failure or violation of one's duty.

DELINQUENT (*de-ling'-kwent*). One who is guilty of an offense or failure of duty. Due and unpaid (as regards a debt). Negligent, dishonest, or unworthy of credit (as regards a person).

DELIVERY (*de-liv'-er-ee*). The transfer of the possession of a thing from one person to another.

DEMAND (*de-mand'*). A claim; a legal obligation; a request for performance of an obligation.

DEMAND NOTE (*de-mand' note*). A promissory note payable on demand.

DEMESNE (*de-mane'*). Own; original; held in one's own right and not in that of a superior; lands which a lord retained under his immediate control and did not farm out to tenants.

DEMISE (*de-mize'*). A lease for a term of years; a conveyance in fee, for life, or for years.

DEMURRAGE (*de-mer'-aj*). The charge made by the owner of a vessel or by a carrier for improper delay in loading or unloading of a shipment.

DEMURRER (*de-mer'-er*). An objection, made by one party to his opponent's pleading because of some defect in law in the pleading, and alleging that even though the facts of the pleading may be true, they are insufficient in law to compel the objecting party to proceed further.

DEPARTURE (*de-par'-chur*). Act of leaving a place, employment, or office; a deviation or divergence from a standard rule or customary route; a variance between pleading and proof.

DEPONENT (*de-poe'-nent*). One who gives information, under oath, respecting some facts known to him; a person making a deposition.

DEPORTATION (*de-por-tay'-shun*). The removal out of the country of an alien deemed dangerous to the public welfare.

DEPOSE (*de-poze'*). To give testimony under oath. To remove one from public employment or office.

DEPOSIT (*de-poz'-it*). To place; to put; to commit to custody. Money or other property given to another as security or as an earnest for performance of some promise. The sums received from a depositor by a bank.

DEPOSITION (*dep-o-zish'-on*). The testimony of a witness, taken elsewhere than in court, properly authenticated, and to be used subsequently on the trial of some question of fact in a court.

DEPUTY (*dep'-u-tee*). One authorized by an officer to fill the office or exercise the right which such officer possesses.

DERELICT (*der'-e-lik*t). Abandoned; forsaken; deserted.

DEROGATION (*der-o-gay'-shun*). Partial nullification of a law, distinguished from abrogation, which is total nullification.

DESCEND (*de-send'*). To go down; to pass by succession; to pass down from generation to generation.

DESCENDANT (*de-sen'-dant*). An offspring in any degree, whether near or remote.

DESCENT (*de-sent'*). The title to real estate acquired by one, not as a purchaser, but by law as an heir to a party deceased.

DESCENT AND DISTRIBUTION (*de-sent' and dis-tri-bue'-shun*). The division among the heirs of the real

and personal property of one who has died without leaving a will, the term descent applying to the real property and distribution to the personal property of the deceased.

DETAINDER—DETENTION (*de-tay'-ner*)—(*de-ten'-shun*). Holding a person against his will or withholding the possession of personal or real property from the owner.

DETERMINABLE FEE (*de-ter'-mi-na-bl fee*). (Also known as a qualified or base fee.) An estate which is determined or ends upon the happening of some contingency.

DETINUE (*det'-i-nu*). A form of action to recover specific goods or any personal chattels unlawfully retained.

DETRIMENT (*det'-ri-ment*). A loss or damage suffered in person or property.

DEVASTAVIT (*dev-as-tay'-vit*). The waste and mismanagement of an estate by one to whom such estate is entrusted, as an executor.

DEVEST (*de-vest'*). To deprive; to take away.

DEVIATION (*de-vi-ay'-shun*). A change or variation from the original terms or plan; an unnecessary departure from the usual mode or customary route.

DEVICE (*de-vise'*). A contrivance; an invention. An emblem or distinguishing mark of some kind. An artifice or stratagem.

DEVISE (*de-vize'*). A gift of real property by a will.

DEVISEE (*dev-i-zee'*). The person to whom a devise has been made.

DEVISOR (*de-vy'-zor*). A testator. The person who devises real property.

DICTION (*dick'-tum*). An observation or opinion, such as one expressed by a court on a matter not necessarily involved in a case and therefore lacking the authority of a judicial decision.

DIGEST (*dy'-jest*). A book or set of books, containing the important substance of other books, court decisions, or statutes, and prepared in an orderly manner of individual topics arranged alphabetically.

DILATORY PLEA (*dil'-la-tor-ee plea*). One which does not answer to the true merits of the case but which nevertheless may defeat or at least delay the action, such as a plea to the jurisdiction or a plea in abatement.

DILIGENCE (*dil'-i-jens*). That particular care or attention expected of a person in any particular situation or activity; the opposite of negligence.

DIMINUTION (*dim-i-nu'-shun*). A taking away or lessening; an omission or deficiency.

DIMINUTION OF THE RECORD (*dim-i-nu'-shun of the rek'-ord*). A term signifying that the record sent on appeal from an inferior court to a higher court is deficient in some respect, which deficiency may be rectified by certiorari.

DIRECT (*di-rekt'*). To point to; to order or suggest; to advise or instruct. Straightforward; immediate; not collateral.

DIRECT EVIDENCE (*di-rekt' ev'-i-dens*). Proof by witnesses who testify as to their own knowledge of the principal facts to be proven.

DIRECT EXAMINATION (*di-rekt' eg-zam-i-nay'-shun*). The first examination of a witness by the party who calls him.

- DIRECTED VERDICT** (*di-rek'-ted ver'-dikt*). A verdict returned by a jury without deliberation and according to the result specified or directed by the court.
- DIRECTORY** (*di-rek'-to-re*). Suggestive or advisory, rather than imperative or mandatory, such as suggestive provisions in a statute as opposed to mandatory ones.
- DISABILITY** (*dis-a-bil'-i-tee*). Legal incapacity to perform an act. Loss of earning power; inability to carry on one's usual occupation.
- DISAFFIRMANCE** (*dis-a-fer'-manse*). The repudiation of a voidable obligation.
- DISAVOW** (*dis-a-vou'*). To disclaim; to deny the authority by which an agent pretends to have acted.
- DISBAR** (*dis-bar'*). To take away from a person the right to practice as an attorney at law.
- DISCHARGE** (*dis-charj'*). To release or set free. To cancel or extinguish an obligation. The release or dismissal from employment or service. The unloading of a cargo.
- DISCLAIMER** (*dis-klay'-mer*). A renouncing of title or interest. The act by which one refuses an estate conveyed to him. A pleading by a defendant denying any interest in the subject of the suit. A formal declaration by the holder of a patent, renouncing such claims set forth in the patent that he does not profess to hold.
- DISCONTINUANCE** (*dis-kon-tin'-u-ans*). Failure of plaintiff to prosecute a case, resulting in a non-suit or dismissal.
- DISCOVERY** (*dis-kuv'-er-ee*). The finding, ascertaining, or acquiring knowledge of something which previously was unknown or hidden. An equitable remedy to se-

cure evidence resting entirely within an adversary's knowledge or control.

DISCREDIT (*dis-kred'-it*). To disparage or impair the credibility of a person or document. To impeach.

DISCREPANCY (*dis-krep'-an-see*). A variance; a difference between two things that should be the same.

DISCRETION (*dis-kresh'-on*). The ability to distinguish between good and evil and to know what is lawful or unlawful. The right or power of a judge or other official under certain circumstances, where there may be a choice of action, to act according to his own best judgment.

DISCRIMINATION (*dis-krim-i-nay'-shun*). Favoritism. Failure in one or more respects to treat all alike.

DISFRANCHISE (*dis-fran'-chize*). To take away a person's citizenship or certain privileges of such; to deprive one of rights and privileges of a charter or franchise.

DISHONOR (*dis-on'-or*). To refuse or neglect to pay a bill of exchange or promissory note when duly presented.

DISINHERISON or **DISINHERITANCE** (*dis-in-hare'-i-zon*) or (*dis-in-hare'-i-tanse*). The act by which an heir is deprived of his inheritance or of his right to succeed to the estate of his ancestor.

DISINTERESTED (*dis-in'-ter-es-ted*). Unbiased; unprejudiced; impartial; indifferent; unconcerned as to the outcome of any matter.

DISJUNCTIVE ALLEGATION (*dis-jungk'-tiv al-gay'-shun*). A statement in a pleading that is expressed in an alternative form, that is, by implying one of two

or more alternatives, such as that he murdered or caused to be murdered.

DISMISSAL (*dis-miss'-al*). Termination or discontinuance of an action without an actual trial on its merits. A discharge from employment.

DISQUALIFY (*dis-kwal'-i-fye*). To render unfit; to incapacitate; to deprive of legal capacity, power, or right.

DISSEISIN (*dis-see'-zin*). Ouster, dispossession; the exercise of such rights of ownership in land as to exclude the party to whom it rightfully belongs.

DISSOLUTION (*dis-o-lu'-shun*). Termination; abrogation; disintegration; the extinction of the binding force holding something together.

DISTRAIN (*dis-trane'*). To seize without legal process the personal property of another to enforce the payment of some obligation, such as payment of rent by a tenant.

DISTRESS (*dis-tress'*). The act of distraining, or taking the goods of another to enforce an obligation or obtain satisfaction for an injury.

DISTRIBUTION (*dis-tri-bu'-shun*). A division of proceeds. The apportionment, among those legally entitled to share in the estate, of the personal property of one who has died without leaving a will.

DISTRICT (*dis'-trikt*). A certain portion of a state or country, separated from the rest for some special purpose, such as judicial.

DISTRICT ATTORNEY (*dis'-trikt a-ter'-nee*). The officer appointed or elected to represent the state or federal government in a specified judicial district.

DIVIDEND (*div'-i-dend*). The share given to each of

several persons entitled to the profits of a corporation or the proceeds of an estate.

DIVORCE (*di-vorse'*). The legal dissolution or suspension of the marriage relation between husband and wife.

DIVORCE A MENSA ET THORO (*di-vorse' a men'-sa et thoe'-roe*). Divorce from bed and board. A suspension of the marriage relationship in respect to cohabitation but not as to other rights and obligations, so that the parties cannot marry again.

DIVORCE A VINCULO MATRIMONII (*di-vorse' a vin'-ku-lo ma-tri-mo'-ni-eye*). Divorce from the bond of marriage. A total divorce or complete dissolution of all marriage ties.

DOCK (*dock*). The space reserved for prisoners in a court room. The space for the reception of ships between two wharves.

DOCKET (*dock'-et*). A formal record of the proceedings of a court.

DOCTRINE (*dok'-trin*). A principle, theory or rule of law, as doctrine of last clear chance.

DOCUMENT (*dok'-u-ment*). A record of some matter, written, printed, drawn, photographed, or expressed in some manner so as to constitute it a record of the matter in question.

DOCUMENTARY EVIDENCE (*dok-u-men'-ta-ree ev'-i-dense*). Evidence supplied by writing and documents of all kinds.

DOE, JOHN (*Doe, Jon*). A fictitious name of a person, used in place of his real name, if unknown, until the latter is ascertained.

DOMESDAY BOOK (*Domes'-day Book*). A record of

the original survey of the lands in England, made in the time of William the Conqueror and serving as a legal record of all land title.

DOMICILE (*dom'-i-sil*). The place where a person has his true home, to which, when absent, he has the intention of returning.

DOMINANT ESTATE or **TENEMENT** (*dom'-i-nant es-tate'*) or (*ten'-e-ment*). The estate or tenement to which a servitude or easement is due or for the benefit of which it exists.

DONEE (*doe-nee'*). The one to whom a gift or bequest is made.

DONOR (*doe'nor*). The one who makes a gift.

DORMANT (*dor'-mant*). Silent; inactive; in abeyance.

DOWER (*dou'-er*). The right or interest in the real estate of a husband which the law gives to his wife upon marriage.

DOWRY (*dou'-ree*). The property which a woman brings to her husband in marriage. Also known as a "portion".

DRAFT (*draft*). A bill of exchange; an order for the payment of money, drawn by one person on another. A provision or rough expression in writing of some matter, so that it may be corrected or altered before being copied in its final form. Enforced military service.

DRAMSHOP (*dram'-shop*). A place where intoxicating liquor is sold by the drink; a saloon, barroom or tavern.

DRAWEE (*draw'-ee*). The person on whom a bill of exchange is drawn and who is expected to pay the sum mentioned therein.

- DRAWER** (*draw'-er*). The one who makes a bill of exchange.
- DRAYAGE** (*dray'-aj*). The charge for moving property by ordinary trucks or drays.
- DUE** (*due*). Just and proper, as due care, due process of law. Owing or owed; that which legally should be paid or done.
- DULY** (*due'-lee*). Properly; regularly; according to law.
- DUPLICITY** (*du-plis'-i-tee*). A violation of the common law rule that pleadings must not be double, by writing two or more offenses in the same count of an indictment, two or more causes of action in the same count of a declaration, two or more grounds of defense in one plea, etc.
- DURESS** (*du-ress'*). Such unlawful restraint, imprisonment, physical violence, or threats of either, as to cause a person to act contrary to his will.
- DUTY** (*due'-tee*). Not only a legal obligation but a moral obligation or responsibility as well. A tax on the importation or exportation of goods.
- DYING DECLARATION** (*dye'-ing dek-la-ray'-shun*). A statement made by a person in the honest belief that his death is certain and very close.

E

- EARNEST** (*er'-nest*). A sum of money or something of value given as part of the purchase price to bind a bargain.
- EASEMENT** (*eez'-ment*). A right which a person may have to use the land of another for some special purpose; a burden upon one estate (the servient tene-

ment) for the benefit of another estate (the dominant tenement).

ECCLESIASTICAL (*e-kle-zee-as'-ti-kal*). Pertaining to the church; religious.

EDICT (*ee'-dikt*). A law proclaimed and established by a sovereign.

EFFECTS (*e-fekts'*). All kinds of personal property; worldly belongings.

EJECTMENT (*ee-jekt'-ment*). A form of action to regain the possession of real property, with damages for its unlawful detention.

ELECTION (*ee-lek'-shun*). The act of choosing one of two or more inconsistent or opposing rights. The selection by vote of a person to fill an office, either public or private.

ELEEMOSYNARY (*el-ee-mos'-i-nare-ee*). Charitable; relating to the distribution of alms and charity.

EMANCIPATION (*e-man-si-pay'-shun*). The act by which a person under the control of another is freed of such control, as the emancipation of minors from parental control.

EMBARGO (*em-bar'-go*). The seizure by a state of foreign vessels in its ports or the detention in port of the ships of its own citizens; any prohibition or restriction of travel or transportation of commodities.

EMBEZZLEMENT (*em-bezz'-l-ment*). The statutory offense of fraudulently appropriating to one's own use the money or goods entrusted to his care by another.

EMBLEMENTS (*em'-ble-ments*). Such growing crops of the soil as are the result of annual sowing.

EMBRACERY (*em-bray'-ser-ee*). The offense of at-

tempting to corrupt or influence a jury with money, promises, entertainment, etc., regardless of whether the verdict be true or false or even if no verdict is given.

EMINENT DOMAIN (*em'-i-nent do-mane'*). The power or right of a state or sovereign to take private property for certain purposes upon payment of compensation but without the owner's consent.

EMOLUMENT (*e-mol'-u-ment*). Any advantage, profit, or gain as the result of holding an office or employment.

EN AUTRE DOIT (*on awe'-ter drwo*). In the right of another.

EN FAIT (*on fay*). In fact; actually.

EN MASSE (*on mass*). In a mass; in an entire body or group.

ENACT (*e-nackt'*). To decree; to establish by law.

ENFRANCHISE (*en-fran'-chize*). To make free; to confer upon one rights and privileges, especially the right to vote.

ENJOIN (*en-join'*). To command; to order or direct; to forbid or restrain.

ENTAIL (*en-tale'*). To restrict the inheritance of lands to a particular class of descendants. The fee or estate so limited.

ENTIRETY (*en-tire'-tee*). An undivided whole of anything, rather than part of it.

EQUITABLE (*ek'-wi-ta-bl*). Just; according to equity; cognizable in equity.

EQUITY (*ek'-wi-tee*). Natural, moral and ethical right

or justice. The system of jurisprudence administered by courts of chancery, to give the relief that law courts are incompetent to give.

EQUITY OF REDEMPTION (*ek'-wi-tee of re-demp'-shun*). The right given to one who has forfeited his estate through foreclosure of a mortgage to redeem it within a certain period of time upon payment of the indebtedness plus interest and costs.

ERROR (*err'-or*). Mistaken judgment as to facts or as to application of the law. The writ to review the judgment of an inferior court by a superior court for errors appearing on the face of the record.

ESCHEAT (*es-cheet'*). The reverting, under certain conditions, of land to the original lord. In this country, the reversion is to the state in case there is no one competent to inherit.

ESCROW (*es-kroe'*). A deed or written instrument, deposited with a stranger to the instrument for the purpose of delivery to the person for whom the instrument is intended upon the performance of a condition or the happening of a certain event.

ESTATE (*es-tate'*). The entire property owned by anyone, realty as well as personalty, although technically it refers only to land. A person's rank in life. The nature, extent, and degree of interest which a person has in real property.

ESTATE IN COMMON (*es-tate' in kom'-on*). An estate held in joint possession by two or more persons under different grants or unlike titles.

ESTATE BY ENTIRETIES (*es-tate' by en-tire'-tees*). A joint tenancy in which the tenants are man and wife.

ESTATE IN EXPECTANCY (*es-tate' in eks-pek'-tan-see*). One which is not to vest in possession until some future time, such as a remainder estate or reversion.

ESTATE OF INHERITANCE (*es-tate' of in-hare'-i-tanse*). One which may descend to heirs, as any freehold estate except an estate for life.

ESTATE FOR LIFE (*es-tate' for life*). An estate held by one for the duration of his life or the life or lives of persons in being. In the latter case it is called an estate pur autre vie (for the life of another).

ESTATE BY PURCHASE (*es-tate' by per'-chez*). An estate acquired by any method other than by descent.

ESTATE AT SUFFERANCE (*es-tate' at suf'-er-ans*). The estate existing when one who has come into possession of land rightfully loses such right but continues in possession.

ESTATE TAIL (*es-tate' tale*). An estate limited in inheritance to heirs in a direct line of descent as opposed to inheritance by heirs in general who may be only remotely related.

ESTATE AT WILL (*es-tate' at will*). An estate less than freehold, such as a lease of land to be held at the will of the lessor.

ESTATE FROM YEAR TO YEAR (*es-tate' from year to year*). A lease for a year, which renews itself for another year, etc., unless terminated.

ESTATE FOR YEARS (*es-tate' for years*). Any estate which runs for a fixed and determinate period of time.

ESTOPPEL (*es-top'-el*). A bar or impediment, preventing the denial of a certain set of facts as a result of previous conduct or admission or because of a final adjudication of the matter in a court of law.

ESTOPPEL IN PAIS (*es-top'-el in pay*). An equitable estoppel—one that is occasioned other than by deed or record.

ESTOVERS (*es-toe'-verz*). The right or privilege which a tenant has to furnish himself with as much wood from the premises as is necessary for his fuel, fences, and agricultural operations.

ESTRAY (*es-tray'*). A wandering animal, not wild, whose owner is unknown.

ET (*ett*). And.

ET AL. (*et al.*). An abbreviation for *et alii*, meaning and others, or *et alius*, in the singular, meaning and another.

ET CETERA (*ett set'-er-a*). (Abbreviated as *etc.*). And other things; and so forth.

ET NON (*ett non*). And not.

ET SEQUITOR (*ett sek'-wi-ter*). (Abbreviated as *et seq.*). And as follows.

ET SIC (*ett sick*). And so.

ET UXOR (*ett uks'-or*). (Abbreviated as *et ux.*). And wife.

EVICTION (*e-vik'-shun*). The act of depriving a person of the possession of lands.

EVIDENCE (*ev'-i-dense*). All kinds of proof by which any alleged matter of fact, the truth of which is subject to investigation, is established or disproved.

EX (*eks*). A preposition meaning from; out of; of; by; because of. As a prefix, it means former, as *ex-judge*.

EX CONTRACTU (*eks kon-trak'-tu*). From or by reason of a contract. Personal actions are divided into two

classes—*ex contractu* (from a contract) and *ex delicto* (from a tort).

EX DELICTO (*eks de-lik'-to*). Actions which result from a crime or tort.

EX DOLO MALO (*eks doe'-lo ma'-lo*). Out of fraud or deceit.

EX MALEFICIO (*eks ma-le-fi'-she-o*). On account of an illegal act or misconduct.

EX OFFICIO (*eks of-fi'-she-o*). By virtue of the office.

EX PARTE (*eks par'-te*). Of the one part; by or in behalf of one party only.

EX POST FACTO (*eks post fak'-to*). From or by an after act; by subsequent matter, as an *ex post facto* law, which is enacted after the offense has been committed.

EX RELATIONE (*eks re-lay-she-oh'-nee*). (Abbreviated as *ex rel.*). At the information of; by the relation. Legal proceedings instituted by the state but at the instigation of a private party may be entitled "State *ex rel.* John Smith", that is, on the relation of John Smith.

EXCEPTION (*ek-sep'-shun*). The express exclusion of something from the effect or operation of a deed or contract. An objection made to a decision of a court in the course of a trial. A reservation. A contradiction.

EXCHEQUER (*eks-chek'-er*). The department in the English government which collected the king's revenue and administered justice.

EXCISE (*ek'-size*). Any tax that is not levied upon property or persons directly but rather on the manufacture, sale or consumption of commodities, on li-

censes to pursue certain occupations, or on corporate privileges.

EXECUTE (*ek'-se-kute*). To complete; to do; to perform; to make.

EXECUTED (*ek'-se-ku-ted*). Performed; done; completed; effectuated.

EXECUTION (*ek-se-ku'-shun*). Accomplishment or fulfillment of an undertaking. Putting a convict to death in fulfillment of a sentence. The writ or process by which a court's judgment is enforced.

EXECUTOR (*eg-zek'-u-tor*). The person designated in a will to act as administrator of the estate.

EXECUTORY (*eg-zek'-u-tor-ee*). Incomplete; that which is yet to be performed or put into effect.

EXECUTORY CONTRACT (*eg-zek'-u-tor-ee kon'-trakt*). A contract which has not yet been performed; one in which some future act is to be done.

EXECUTORY DEVISE (*eg-zek'-u-tor-ee de-vize'*). A devise of a future estate or interest in land, differing from a remainder in that the limitation is not immediately connected with or does not immediately commence after the expiration of the particular estate first devised.

EXECUTORY TRUST (*eg-zek'-u-tor-ee trust*). One in which some further act is required to make the trust effective.

EXECUTORY USE (*eg-zek'-u-tor-ee uze*). A shifting or springing use, similar to an executory devise, which passes legal title at some future time from one person to another upon the happening of some contingency.

EXECUTRIX (*eg-zek'-u-triks*). A female executor; a woman appointed by a will to execute such will.

EXEMPLARY DAMAGES (*ek-zem'-pla-ree dam'-ajs*).

Damages in excess of ordinary damages to compensate for particularly wrongful acts.

EXEMPTION (*eg-zemp'-shun*). An immunity; a release or freedom from some duty or obligation. The right given by law to a debtor to retain a portion of his property free from claims of creditors.

EXHIBIT (*eg-zib'-it*). To show or display; to produce or present in public. A paper, document or other thing produced during a hearing as evidence of facts connected with the case.

EXONERATION (*eg-zon-e-ray'-shun*). The removal or release of a charge or obligation, especially in the administration of an estate, to relieve the real estate of a mortgage contracted by the testator, by placing the charge against the personal estate. The right of indemnity which a person has who has been forced to pay what another should have paid in full.

EXPATRIATION (*eks-pay-tre-ay'-shun*). The voluntary act of renouncing citizenship of one's own country to become the subject or citizen of another.

EXPRESS (*eks-press'*). Clear; implicit; plain; definitely stated; that which is made known and not left to implication; the opposite of implied.

EXPROPRIATION (*eks-pro-pre-ay'-shun*). The compulsory sale of private property for some public use. The renunciation of a claim to ownership of something.

EXTORTION (*eks-tor'-shun*). In a strict sense, the unlawful taking by an officer, by authority of his office, of any money or other thing of value that is not due him. More commonly now, any unlawful taking or oppression under color of right.

EXTRA (*eks'-tra*). Except; beyond; out of; outside.

EXTRADITION (*eks-tra-dish'-on*). The surrender by one state or nation to another of a person charged with the commission of a crime within the jurisdiction of the latter.

EXTRA-JUDICIAL (*eks-tra-ju-dish'-al*). That which is done outside of or beyond the regular course of legal procedure.

EXTRA-TERRITORIAL (*eks-tra-tare-i-tor'-i-al*). Beyond the boundaries of a state or country.

EXTRINSIC (*eks-trin'-sik*). Foreign; outside; coming from without.

EXTRINSIC EVIDENCE (*eks-trin'-sik ev'-i-dense*). Evidence from some outside source to explain the meaning of a document or agreement.

EYE-WITNESS (*eye-wit'-ness*). One who actually saw the act or transaction to which he testifies.

F

FABRICATE (*fab'-ri-kate*). To devise falsely; to falsify; to counterfeit.

FACE (*fase*). Whatever appears on a written or printed instrument or document, without reference to any outside source; the outward appearance or normal aspect of a thing.

FACIAS (*fay'-she-as*). That you cause. (Scire facias—that you cause to know.) (Fieri facias—that you cause to be made.)

FACSIMILE (*fak-sim'-i-lee*). An exact copy or faithful reproduction of an original instrument.

FACT (*fakt*). An act; a thing done; an event or circumstance; that which is true.

FACTO (*fak'-toe*). In fact; in deed; by the act or fact.

FACTOR (*fak'-tor*). A special agent employed to receive goods from a principal and to sell them for a commission.

FACTORAGE (*fak'-tor-aj*). The allowance or commission paid to a factor for his services.

FACTUM (*fak'-tum*). An act or deed; the doing or making.

FAIT (*fate*). An act, deed, or fact; a deed lawfully executed; anything done.

FALSE PRETENSE (*fawls pre-tense'*). Any false representation or statement made with fraudulent design to obtain property, and with intent to cheat.

FALSE REPRESENTATION (*fawls rep-re-sen-tay'-shun*). A deceitful representation, known to be untrue and made with the intent to damage another.

FAULT (*fawlt*). Negligence; any shortcoming or neglect of care; an improper act or omission, arising from ignorance or carelessness rather than from intentional error.

FAVOR (*fay'-vor*). Bias; prejudice; partiality.

FEALTY (*fee'-al-te*). The feudal obligation of obedience and service which a tenant or vassal rendered to his lord.

FEASANCE or **FEASANT** (*fee'-sans, fee'-sant*). A doing; performing or performance.

FEASIBLE (*fee'-si-bl*). Capable of being done or accomplished.

FEASOR (*fee'-sor*). Doer; maker, as in tort-feasor, the one who commits a tort.

- FEDERAL** (*fed'-e-ral*). A league or union of two or more states. Pertaining to or organized under the laws of the United States, which is a union of several states.
- FEE** (*fee*). A recompense given to one for the execution of his office or for professional services. An estate of inheritance, which if not qualified by any condition, limitation, or restriction is the highest and most extensive form of ownership in land. Also referred to as fee-simple.
- FEE-SIMPLE** (*fee-simpl'*). An absolute estate in lands—the largest that a man can have, there being no end or limitation to the estate.
- FEE-TAIL** (*fee-tale'*). An inheritable estate which can descend only to certain classes of heirs, namely, the heirs “of the body” of the ancestor; thereby cutting off regular succession according to law.
- FELLOW** (*fell'-o*). A co-worker; a companion or associate. A member of a college.
- FELON** (*fell'-on*). A person convicted of a felony.
- FELONIOUS** (*fe-lo'-ni-us*). Malicious; done with intent to commit a crime.
- FELONY** (*fell'-on-ee*). A crime more serious in nature than a misdemeanor and punishable by death or imprisonment in a penitentiary.
- FEME** or **FEMME** (*femm*). A woman.
- FEME COVERT** (*fem kuv'-ert*). A married woman.
- FEME SOLE** (*fem sole*). A single or unmarried woman.
- FEOFFEE** (*fef-ee'*). The person to whom a fee is conveyed.
- FEOFFMENT** (*fef'-ment*). An early mode of conveyance, by which the possession of a freehold estate was

transferred by the technical ceremony of livery of seisin.

FEOFFMENT TO USE (*fef'-ment to uze*). The feoffment or transfer of lands to a person for the benefit of another.

FEOFFER (*fef-or'*). The person who makes a feoffment.

FERAE NATURAE (*fee'-ree na-tu'-ree*). Untamed; animals in their wild state or regarded as unclaimed for ownership.

FEUD (*fude*). A fee; a hereditary right to use lands, payment for which was rendered in services to the lord, the property in the land itself remaining in the lord.

FEUDAL (*fu'-dal*). Pertaining or relating to the feudal system, feudal law, or that form of land tenure under which the land is held under a superior or lord.

FIAT (*fy'-at*). Latin for "let it be done". An order or warrant from a judge or some other competent authority, directing that some particular act be done.

FICTION (*fick'-shun*). A legal assumption that something is true even though it may be false.

FICTITIOUS (*fick-tish'-us*). Feigned; imaginary; pretended; having the character of a fiction.

FICTITIOUS ACTION (*fick-tish'-us ak'-shun*). An action based on a pretended controversy for the purpose of obtaining the opinion of the court on a matter of law.

FICTITIOUS PARTY (*fick-tish'-us par'-tee*). A party in whose name an action may be brought but who is ignorant of it or has not authorized it.

FICTITIOUS PAYEE (*fick-tish'-us pay-ee'*). Any desig-

nation of a payee in a negotiable instrument who is non-existent or who was not intended to receive the instrument in the first place, the instrument in such case being considered as payable to bearer.

FIDUCIARY (*fi-du'-shi-ar-re*). Relating to or founded upon a trust or confidence. A trustee; one who holds a thing in trust for another.

FIEF (*feef*). A fee, feud, or inheritable estate.

FIERI FACIAS (*fy'-e-ry fay'-she-as*). (Abbreviated as *fi. fa.*) In Latin the meaning is that you cause to be made. A writ of execution directing the sheriff to levy upon the goods and chattels of a debtor to satisfy a judgment.

FILIUS (*fil'-i-us*). A son; a child.

FIN (*fin*). End; limit; termination; expiration; objective.

FINAL (*fy'-nal*). Last; conclusive; decisive; with respect to suits and judgments, it is contrasted with interlocutory.

FINDING (*fine'-ding*). The conclusion arrived at by a court or jury as to a matter before it.

FIXTURE (*ficks'-chur*). Anything in the nature of a personal chattel which is fixed or attached to land or a building and is used in connection with it.

FLOTSAM (*flot'-sum*). Goods floating upon the sea, cast overboard for the safety of a ship or freed when a ship sinks.

FORBEARANCE (*for-bare'-ans*). Refraining from action; a delay in enforcing rights.

FORCE (*fors*). Compulsion; strength directed to an end, ordinarily unlawful; violence; physical coercion.

FORCED SALE (*forst sale*). One made against the will

or consent of the owner; a sale made pursuant to law by virtue of execution issued on a judgment rendered by a court.

FORCIBLE ENTRY AND DETAINER (*for'-si-bl en'-tre and de-tane'-er*). An action to restore possession of land to one who is wrongfully kept out or deprived of possession.

FORECLOSURE (*for-klo'-zhur*). A proceeding in chancery by which the mortgagor's equity of redemption is forever barred and the mortgaged premises becomes the absolute property of the mortgagee. Any proceeding to enforce a mortgage, lien or pledge.

FOREIGN (*for'-en*). Belonging to or related to another country, state or jurisdiction.

FOREMAN (*for'-man*). The presiding member and spokesman of a jury. Overseer or one appointed by an employer to supervise the work of employees.

FORENSIC or **FORENSIS** (*fo-ren'-sick*) or (*fo-ren'-sis*). Belonging to or relating to courts of law.

FORENSIC MEDICINE (*fo-ren'-sick med'-i-sin*). Medical jurisprudence or the application of medical knowledge to legal causes.

FORFEITURE (*for'-fi-chure*). A penalty or fine; a loss of a right in consequence of the non-performance of some obligation or condition.

FORGERY (*for'-jer-ee*). The fraudulent making and alteration of a writing to the prejudice of another person's rights. The fraudulent alteration of evidence to create an erroneous impression.

FORM (*form*). The technique, manner, or order of a legal proceeding or instrument, as distinguished from the substance of it. A model or bare outline of a legal

instrument to be completed or followed in describing the substance or details of a specific matter.

FORMER JEOPARDY (*for'-mer jep'-ar-dee*). A plea to keep one from being tried for the same offense a second time.

FORMS OF ACTION (*forms of ak'-shun*). A term comprising all of the various classes of personal actions at common law, such as trespass, case, trover, detinue, replevin, covenant, debt, assumpsit, and account.

FORNICATION (*for-ni-kay'-shun*). Unlawful sexual intercourse between two persons with at least the guilty one or the one charged with the crime being unmarried.

FORSWEAR (*for-sware'*). To swear falsely; to commit perjury.

FORTHCOMING BOND (*forth'-kum-ing bond*). A bond conditioned upon the delivery or restoration of property, if required by a judgment, and given to obtain the release of the property from levy or attachment.

FORTUITOUS (*for-two'-i-tus*). Depending on or happening by chance; accidental; casual.

FORUM (*for'-um*). A court or place of justice; a place; jurisdiction.

FRANCHISE (*fran'-chize*). A privilege or immunity, other than a common right, conferred by the government upon an individual or individuals for a prescribed purpose. A right or privilege conferred by law.

FRANCHISE TAX (*fran'-chize taks*). A tax on the franchise of a corporation, or, in other words, on the right of operating as a corporation.

FRAUD (*frawd*). Bad faith, dishonesty, infidelity, un-

fairness. Any form of misrepresentation, trickery, concealment, or cunning by which a person may intend and does obtain an advantage over another.

FREEHOLD (*free'-hold*). An estate in land or in some interest connected or annexed to land of an indefinite duration, as a life estate or one in fee.

FRIENDLY SUIT (*frend'-lee sute*). Any suit instituted by agreement between the parties to obtain a ruling of the court upon some matter in which they are interested.

FRUCTUS (*fruk'-tus*). That which results or is added to a thing by nature or the skill of man.

FRUCTUS CIVILES (*fruk'-tus siv'-i-leez*). Civil fruits, recognized by the law as natural increases to a thing, such as rents, interests, revenues, and compensations.

FRUCTUS INDUSTRIALES (*fruk'-tus in-dus-tri-ay'-leez*). Those products of the soil that grow annually as the result of the planting and cultivation of land by man.

FRUCTUS NATURALES (*fruk'-tus na-tu-ray'-leez*). Those products of nature which develop by themselves, as perennial plants, trees, wool, metals, milk, the young of animals and the fruit of trees.

FUNGIBLE (*fun'-ji-bl*). Pertaining to articles which are consumed by use and which can be replaced in kind, as wheat, corn, coal, oil, etc.

FUTURE ESTATE or INTEREST (*few'-ture es-tate' or in'-ter-est*). An interest or estate which is to commence in possession in the future, such as remainders and reversions.

FUTURES (*few'-tures*). Contracts for the sale and future delivery of stocks or commodities, actual delivery

usually not being intended, with payment of the difference in market price at time set for delivery taking the place of delivery, the transaction thereby being largely a gamble.

G

GAIN (*gane*). Profit; benefit, winnings.

GAMBLE (*gam'-bl*). To play for money or other stake; to bet on an uncertain event.

GAME LAWS (*game laws*). Laws regulating the killing or capture of birds and beasts as game.

GAMING (*game'-ing*). Gambling; a contract between two or more persons to risk money or other property in any contest of chance.

GAOL (*jale*). Same as jail; a place for imprisonment of criminals.

GARNISHEE (*gar-ni-shee'*). The person against whom process of garnishment is issued. To institute garnishment proceedings.

GARNISHMENT (*gar'-nish-ment*). The process by which a person who has money or property belonging to another or owes him a debt is warned not to repay such person because of attachment of such property for the payment of a debt due a third party.

GAVELKIND (*gav'-el-kind*). The tenure by which lands in England were held prior to the Conquest, its chief distinction being that the land descended to all sons together rather than to the eldest.

GENERAL (*jen'-er-al*). Prevalent; extensive; pertaining to an entire kind or class. The principal officer of an army.

GENERAL AVERAGE (*jen'-er-al av'-er-aj*). A contribution by all parties in a sea voyage to reimburse one for loss incurred in saving the ship or cargo from some impending danger.

GENERAL ISSUE (*jen'-er-al ish'-oo*). A plea by the defendant amounting to an absolute denial of the entire indictment or declaration, thus reaching an issue at once.

GENUINE (*jen'-u-in*). True; real; not false, spurious, simulated, or counterfeit.

GESTATION (*jes-tay'-shun*). The duration of pregnancy in a female.

GIFT (*gift*). A voluntary conveyance of land, or transfer of goods, from one person to another, made gratuitously and without recompense.

GIFT CAUSA MORTIS (*gift kaw'-za mor'-tis*). A gift of personal property made by a person in expectation of his own death, the property passing fully to the donee upon the death of the donor as anticipated.

GIFT INTER VIVOS (*gift in'-ter vy'-vos*). A gift between living persons, taking effect immediately.

GIVE (*giv*). To transfer property to another without consideration; to grant; to convey.

GOOD (*good*). Genuine; valid; sound; capable; reasonable.

GOOD CAUSE (*good kaws*). Such reasonable grounds or justification as to afford a legal excuse.

GOOD CONSIDERATION (*good kon-sid-er-ay'-shun*). Consideration founded on motive of blood ties or on natural love or affection.

GOOD FAITH (*good fayth*). Sincerity; innocence; hon-

esty of intention; absence of bad faith or malice.

GOOD WILL (*good will*). The intangible value attached to a concern or business as the result of public acceptance or development of a reputation.

GOODS (*goods*). Merchandise, commodities, and such inanimate personal chattels as stocks, bonds, notes, furniture, etc.

GOODS AND CHATTELS (*goods and chat'-els*). Personal property of all kinds, as distinguished from real property.

GOODS, WARES AND MERCHANDISE (*goods, wares and mer'-chan-dise*). Such chattels as are ordinarily the subject of commerce.

GOVERNMENT (*guv'-ern-ment*). The authority or means by which a state or body of men makes and carries out the rules necessary to enable it to function according to its purpose or object.

GRACE (*grase*). A favor or indulgence; a dispensation. An extension of three days beyond the date a debt is due, in which time the debtor is allowed to make payment.

GRAND ASSIZE (*grand a-size'*). A great jury—a jury of sixteen knights, called in behalf of a tenant or defendant as an alternative to trial by battle, this system of jury trial having been instituted by Henry II.

GRAND JURY (*grand joor'-ee*). A body of men, consisting at common law of not less than twelve nor more than twenty-four, and organized for the purpose of inquiring into the commission of crimes within the county from which its members are drawn and to find indictments against such as are supposed to be offenders.

GRAND LARCENY (*grand lar'-sen-ee*). Larceny wherein the value of the property stolen exceeds a certain amount—twelve pence, under the common law, but usually much higher where the distinction between grand and petty larceny is still maintained.

GRANT (*grant*). To give, bestow. The conferring of something by one person upon another. A word of conveyance applicable to any specie of property passed from one to another.

GRANTEE (*gran-tee'*). The one to whom a grant is made.

GRANTOR (*gran'-tor*). The person by whom a grant is made.

GRATIS (*gray'-tis*). Gratuitously; without reward or consideration; for nothing.

GRATUITY (*gra-too'-i-tee*). A gift, tip, or bribe; something given as a present without thought of recompense or for a favor.

GRAVAMEN (*gra-vay'-men*). The gist or essence of a charge or grievance; the substantial cause of an action.

GREAT SEAL (*grate seel*). The seal used by a state in the execution of its public documents.

GRETNA GREEN MARRIAGE (*gret'-na green mare'-aj*). A marriage performed without the normal formalities prescribed by a state. The name comes from the place in Scotland, just over the English border, to which English couples were in the habit of going to evade the marriage laws.

GROSS (*grose*). Whole; entire; a total sum, as opposed to net. Flagrant; shameful; greatly culpable. Absolute, as a thing in gross exists in its own right and not as an appendage to another thing.

GROSS ADVENTURE (*grose ad-ven'-ture*). A maritime or bottomry loan, the lender assuming the perils of the sea and contributing to the gross or general average.

GROSS AVERAGE (*grose av'-er-aj*). Same as general average.

GROSS NEGLIGENCE (*grose neg'-li-jens*). Such want of care and regard for the rights of others as implies a disregard of consequences or willingness to inflict injury.

GROUND OF ACTION (*grownd of ak'-shun*). The basis of a suit; the foundation or circumstances upon which a cause of action rests.

GROUND RENT (*grownd rent*). A perpetual estate, in the form of rent, reserved to himself and heirs by the grantor of land in fee-simple out of the land conveyed.

GUARANTEE (*gare-an-tee'*). The person to whom a guaranty is made. The contract of guaranty, or the act of making oneself liable for the debt of another.

GUARANTOR (*gare'-an-tor*). The person who makes a guaranty.

GUARANTY (*gare'-an-tee*). A promise to pay the debt, default or miscarriage of another person if the latter fails to do so himself.

GUARDIAN (*gar'-di-an*). The person who legally is entrusted with the care and management of the person, or the estate, or both, of an infant or of an incompetent person.

GUARDIAN AD LITEM (*gar'-di-an ad ly'-tem*). A guardian appointed by a court to represent a ward of the court in some action pending before it to which the ward is a party.

GUEST (*gest*). A transient traveller who stops at an inn or hotel to receive its customary lodging and service. An invitee to the pleasures, accommodations, and services provided by another.

GUILD (*gild*). An association of people following the same trade, art, profession or business, organized to regulate and promote their common interests.

GUILT (*gilt*). That which renders an act or motive wrongful or criminal; a disposition to violate the law; the opposite of innocence.

GUILTY (*gill'-tee*). The state or condition of one who has committed an offense or crime. The plea by which a defendant in a criminal prosecution admits the crime with which he is charged.

H

HABEAS CORPUS (*hay'-be-as kor'-pus*). (Latin—that you have the body.) The popular writ to preserve personal freedom, directed to the person in whose custody a person is kept, ordering the body of the person so kept to be brought before the court issuing the writ, so that judicial inquiry may be made into the legality of the restraint or imprisonment and appropriate judgment rendered thereon.

HABEAS CORPUS AD DELIBERANDUM ET RECIPIENDUM (*hay'-be-as kor'-pus ad de-lib-er-an'-dum et re-si-pi-en'-dum*). The habeas corpus writ for removal of a prisoner to the jurisdiction where the offense was committed.

HABEAS CORPUS AD FACIENDUM ET RECIPIENDUM (*hay'-be-as kor'-pus ad fay-she-en'-dum et re-si-pi-en'-dum*). The habeas corpus writ issued in civil cases to remove the cause, as well as the body of

the defendant, from an inferior court to a superior court having jurisdiction of the matter.

HABEAS CORPUS AD PROSEQUENDUM (*hay'-be-as kor'-pus ad pro-se-quen'-dum*). The habeas corpus writ to remove a prisoner in order to prosecute in the proper jurisdiction wherein the fact was committed.

HABEAS CORPUS AD RESPONDENDUM (*hay'-be-as kor'-pus ad res-pon-den'-dum*). The habeas corpus writ issued when one who is in custody under process of an inferior court is removed to a higher court so that the claim may be pressed against him there.

HABEAS CORPUS AD SATISFACIENDUM (*hay'-be-as kor'-pus ad sa-tis-fa-she-en'-dum*). The habeas corpus writ designed to bring a prisoner from an inferior court where he has had judgment against him to a superior court for execution of the judgment.

HABEAS CORPUS AD SUBJICIENDUM (*hay'-be-as kor'-pus ad sub-ji-she-en'-dum*). The habeas corpus writ for deliverance from illegal confinement, directed to the person detaining another and commanding him to produce the body of the prisoner and to submit to the court's order.

HABEAS CORPUS AD TESTIFICANDUM (*hay'-be-as kor'-pus ad tes-ti-fi-kan'-dum*). The habeas corpus used to produce a prisoner so that he might testify or give evidence to the court.

HABEAS CORPUS CUM CAUSA (*hay'-be-as kor'-pus kum kaw'-za*). The same as the writ of habeas corpus ad faciendum et recipiendum.

HABENDUM (*ha-ben'-dum*). The clause following the granting part of a deed, commencing with the words "to have and to hold", and defining the extent of the ownership conveyed.

HABERE FACIAS POSSESSIONEM (*ha-bee'-re fay'-she-as po-zes-she-o'-nem*). (Latin—that you give him possession.) A writ of possession, directed to the sheriff to put an individual in actual possession of land to which he established claim in an action of ejectment.

HALF BLOOD (*haf blud*). The relationship between persons who have only one parent in common.

HAZARDOUS (*haz'-ar-dus*). Risky; perilous; involving special danger or risk of loss.

HEARING (*here'-ing*). A trial; any formal or informal proceeding or examination of some matter before a tribunal or person authorized to pass judgment on the matter.

HEARSAY EVIDENCE (*here'-say ev'-i-dense*). Such evidence as is derived from what others have said or written rather than from what a person has actually experienced himself.

HEIR (*air*). One who succeeds in any manner to the ownership of any property by reason of the death of the owner. Originally, at common law, the word meant only the person or persons appointed by law to succeed to an estate in case of intestacy.

HEREDITAMENTS (*herr-e-dit'-a-ments*). All things or property which are capable of being inherited, that is, which pass directly to the heir rather than which go to the personal representative of the deceased, as in the case of most personal property.

HOLD (*hold*). To have or to possess. To decide or render judgment. To maintain or sustain. To keep.

HOLDER (*hole'-der*). One who holds or has the right to possession of land or other property. The payee or indorsee of a bill or note who is in possession or the bearer thereof.

HOLDER IN DUE COURSE (*hole'-der in due korse*).

The holder of a negotiable instrument, complete and regular on its face, which the holder has taken for value and in good faith, before it was overdue and without notice that it may have been dishonored or that there may be any defect in the title of the person who negotiated it.

HOLDING COMPANY (*hole'-ding kum'-pa-nee*). A corporation organized for the purpose of owning and holding the stock of other corporations.

HOLDING OVER (*hole'-ding o'-ver*). The retention of possession by a tenant of leased property after the expiration of the lease. Continuing to exercise the function of an office after the end of the officer's legal term.

HOLOGRAPHIC WILL (*hol-o-graf'-ik will*). A testamentary disposition of one's property recognized sometimes as a valid will, entirely written, dated and signed by the testator in his own handwriting.

HOMAGE (*hom'-aj*). The ancient formality by which upon investiture a tenant acknowledged tenure or service to his lord.

HOMESTEAD (*home'-sted*). The place where the home is. Such designation of home property, made by a householder or head of a family, as to exempt it from claims of general creditors.

HOMICIDE (*hom'-i-side*). The killing of a human being, accidental or otherwise, by the act or fault of another.

HOMO (*hoe'-moe*). (Latin—man). A human being, either male or female.

HONOR (*on'-or*). To accept or pay a bill of exchange or note upon its maturity and according to its tenor.

HOSTILE (*hos'-til*). Unfriendly; inimical; adversely.

HOTEL (*hoe-tell'*). An inn or public house; a place where a traveler is furnished with meals and lodging.

HOUSEBREAKING (*house'-brake-ing*). The breaking and entering into the dwelling-house of another with intent to commit a felony. If done at nighttime, it constitutes burglary.

HUNDRED (*hun'-dred*). A division of a county which existed in England before the feudal period.

HYPOTHECATE (*hy-poth'-e-kate*). To pledge or mortgage real or personal property without giving up possession.

HYPOTHETICAL QUESTION (*hy-po-thet'-i-kal kwes'-chun*). An assumed or actual situation or state of facts, presented to an expert for his opinion, so that such opinion may be used as evidence on similar or the same facts in the trial of a case.

I

IBIDEM (*i-by'-dem*). (Abbreviated to *ibid.*, *ib.*, or *id.*) The same; in the same place; in the same book or on the same page.

ID EST (*id est*). (Commonly abbreviated as *i. e.*) That is.

ILLEGAL (*i-lee'-gal*). Unlawful; contrary to law.

ILLEGITIMATE (*ill-e-jit'-i-mate*). Not authorized by law; a bastard, or child born out of wedlock.

ILLICIT (*i-liss'-it*). Unlawful; unauthorized; not permitted.

IMMATERIAL (*im-a-tere'-i-al*). Of no consequence or

significance; not important, essential or necessary.

IMMEMORIAL (*im-e-more'-i-al*). Beyond human memory; time out of mind.

IMMIGRATION (*im-i-gray'-shun*). The migrating or coming of foreigners into a country for permanent residence.

IMMORAL (*im-more'-al*). Contrary to good morals; dissolute; unprincipled.

IMMUNITY (*im-mue'-ni-tee*). A privilege; a right conferred to one or more contrary to the general rule; exemption from some duty or penalty.

IMPAIR (*im-pare'*). To weaken; to affect in an injurious manner.

IMPANEL (*im-pan'-el*). To select a jury to try a case.

IMPARTIAL (*im-par'-shal*). Disinterested; unbiased; equitable.

IMPEACH (*im-peech'*). To accuse; to challenge; to question; to discredit.

IMPEACHMENT (*im-peech'-ment*). A proceeding to remove a public officer from office for misconduct, neglect of duty or commission of a crime.

IMPEDIMENT (*im-ped'-i-ment*). A restriction or disability; a legal hindrance, preventing one from performing an act or contracting.

IMPERTINENCE (*im-per'-ti-nense*). Irrelevancy; the error of introducing matter into a pleading that is not related to the cause nor properly before the court for decision.

IMPLEAD (*im-pleed'*). To sue or prosecute by due course of law; to make other persons parties to a suit.

- IMPLIED** (*im-plide'*). Manifested by implication or deduction from circumstances and conduct rather than by express words. The opposite of express.
- IMPORTS** (*im'ports*). Goods or property brought into a country from a foreign country.
- IMPOST** (*im'-post*). A duty or tax levied on imported goods or merchandise; any tax, duty, or imposition.
- IMPRIMATUR** (*im-pri-may'-ter*). (Lat. Let it be printed.) A license from a government, permitting the publication of a book.
- IMPRIMIS** (*im-pry'-mis*). In the first place; first of all.
- IMPRISONMENT** (*im-priz'-on-ment*). Confinement in a prison; any physical restraint or deprivation of a person's freedom of movement.
- IMPUTED** (*im-pew'-ted*). Attributable to one because of a peculiar association or relationship to another.
- IN** (*in*). (Lat.) In; into; upon; against; within.
- IN ARTICULO MORTIS** (*in ar-tik'-u-lo mor'-tis*). At the point of death.
- IN AUTRE DROIT** (*een owe'-tre drwa*). In another's right.
- IN BLANK** (*in blank*). Without restriction, as applying to indorsements on promissory notes.
- IN CHIEF** (*in cheef*). Principal; primarily; directly obtained.
- IN CUSTODIA LEGIS** (*in kus-toe'-di-a lee'-jis*). In custody of the law.
- IN DELICTO** (*in de-lik'-toe*). In fault.
- IN ESSE** (*in ess'-e*). In being; in existence.

IN FUTURO (*in fu-tu'-ro*). At a future time.

IN GENERE (*in jen'-e-ree*). In kind; of the same kind.

IN GROSS (*in grose*). At large; personal; not annexed or appurtenant to land.

IN HOC (*in hok*). In this; in respect to this.

IN INFINITUM (*in in-fi-ny'-tum*). Indefinitely; forever.

IN INITIO (*in in-nish'-i-oh*). In or at the beginning.

IN JURE (*in joo'-ree*). In law; in the right.

IN KIND (*in kynd*). Of the same class or kind of property.

IN LIMINE (*in lim'-i-nee*). In or at the beginning.

IN LOCO (*in lo'-ko*). In the place of; in lieu or instead of.

IN LOCO PARENTIS (*in lo'-ko pa-ren'-tis*). In the place of a parent.

IN PAIS (*in pay*). Out of court; without legal formality.

IN PARI DELICTO (*in pa'-rye de-lik'-toe*). In equal fault; equal in guilt.

IN PERSONAM (*in per-so'-nam*). A remedy in which the proceedings are against a person rather than a thing (in rem).

IN PRAESENTI (*in pre-zen'-tye*). At the present time.

IN PRIMIS (*in pry'-mis*). In the foremost place.

IN PRINCIPIO (*in prin-sip'-e-oh*). At the beginning; in the inception.

IN PROPRIA PERSONA (*in pro'-pri-a per-so'-na*). Himself; in his own person.

IN RE (*in ree*). Relating to; in the matter of.

IN REM (*in rem*). Proceedings against a thing rather than a person.

IN SPECIE (*in spee'-she*). In the same form.

IN STATU QUO (*in stay'-tu kwo*). In the same situation or condition.

IN TOTO (*in toe'-toe*). In the whole; completely.

INADEQUATE (*in-ad'-e-kwat*). Insufficient; failing to meet standards or requirements.

INADMISSIBLE (*in-ad-miss'-i-bl*). Unacceptable; not permitted by law to be received as evidence.

INALIENABLE (*in-ale'-yen-a-bl*). Not subject to alienation; the characteristic of certain property or right which prevents it from being transferred, bought, or sold.

INCAPACITY (*in-ka-pass'-i-ti*). Lack of power or legal ability to act or do something that others normally can do.

INCARCERATION (*in-kar-se-ray'-shun*). Imprisonment; confinement in jail.

INCENDIARY (*in-sen'-di-a-ri*). A person who maliciously sets another's house on fire; one guilty of arson.

INCEPTION (*in-sep'-shun*). The beginning or commencement.

INCEST (*in'-sest*). Sexual intercourse or cohabitation between man and woman related to each other in such degree as to make their marriage unlawful.

INCHOATE (*in-kho'-ate*). That which is not yet completed or finished; imperfect; partial. For example, a wife has an inchoate right of dower during her husband's life.

INCIDENT (*in'-si-dent*). An event or happening. Something that appertains, depends on, or follows another thing that is more fundamental, as a contract may have certain incidents which are a part of it and which are not necessary to specifically reserve.

INCOME (*in'-kum*). Profits; the gain resulting from labor, operation of business, or use of property.

INCORPORATION (*in-kor-po-ray'-shun*). The act of forming a corporation. The adoption or bringing into an instrument, body, or thing something extrinsic thereto, as a document referred to by a will may become part of the will itself.

INCORPOREAL (*in-kor-po'-re-al*). Having no body; not material or tangible; existing only in contemplation of law.

INCORPOREAL CHATTELS (*in-kor-po'-re-al chat'-els*). A right or interest, intangible rather than physical, arising from the use or ownership of real or personal property, as easements of light and air and equities of redemption connected with the ownership of land.

INCREMENT (*in'-kre-ment*). Increase; enlargement; that which is added.

INCRIMINATION (*in-krim-i-nay'-shun*). To expose or involve oneself or another in liability for a crime.

INCUMBENT (*in-kum'-bent*). The person who is in possession of an office.

INCUMBRANCE (*in-kum'-branse*). A burden or claim against property; such a right claimed by one against the property of another so as to lessen the value of the property but not to prevent the transfer of title by the owner.

INCUR (*in-ker'*). To have liabilities placed upon one by operation of law or the result of acts not primarily designed to bring them about. For example, a man may buy a car on time. He thus *contracts* a debt. He may rent a car and abuse it. He thus *incurs* liability.

INDEBITATUS ASSUMPSIT (*in-deb-bi-tay'-tus as-ump'-sit*). (Lat. Being indebted, he promised.) The action of assumpsit used to recover damages for breach of simple contract, express or implied.

INDEFEASIBLE (*in-de-feez'-i-bl*). Incapable of being defeated or undone.

INDEFINITE FAILURE OF ISSUE (*in-def'-i-nit fale'-ure of ish'-oo*). A failure of issue at any time, no particular time or event being specified as to when it must occur.

INDEMNIFY (*in-dem'-ni-fye*). To make good; to secure a person against loss or damage; to reimburse.

INDEMNITY (*in-dem'-ni-ti*). That which is given a person to prevent his suffering damage. The contract or promise by one person to make good a loss incurred by another at the request of the latter or for his benefit.

INDENTURE (*in-den'-chure*). A deed or written instrument made and executed by two or more parties of different interests, such as grantor and grantee, as distinguished from a deed poll, which is executed only by one party.

INDEPENDENT (*in-de-pen'-dent*). Not subject to the control, advice or restrictions of a superior authority.

INDETERMINATE (*in-de-ter'-mi-nate*). Uncertain; undesignated; not fixed; unascertained.

INDETERMINATE SENTENCE (*in-de-ter'-mi-nate sen'-tense*). A sentence of imprisonment which can be

terminated by the parol board or other authority at any time after a minimum period of punishment.

INDICIA (*in-dish'-i-a*). Signs; marks; indications; symbols; circumstances which lead to a certain belief.

INDICT (*in-dite'*). To accuse by the finding or presentment of a grand jury.

INDICTABLE (*in-dye'-ta-bl*). Liable to be indicted; subject to indictment.

INDICTED (*in-dye'-ted*). Charged formally with the commission of a crime.

INDICTEE (*in-dye-tee'*). The person who is indicted.

INDICTMENT (*in-dite'-ment*). A written accusation of a crime presented upon oath by the grand jury.

INDICTOR (*in-dye'-tor*). The one who is responsible for another being indicted.

INDIRECT EVIDENCE (*in-di-rekt' ev'-i-dense*). Circumstantial evidence; evidence to prove some fact, not by testimony of a witness to such fact, but by collateral circumstances ascertained by competent means.

INDIVISIBLE (*in-di-viz'-i-bl*). Not susceptible of division; entire; that which cannot be separated.

INDORSE (*in-dorse'*). To write one's name on the back of an instrument, such as a note or check.

INDORSEE (*in-dor-see'*). The one to whom a bill of exchange is transferred by indorsement.

INDORSEMENT (*in-dorse'-ment*). The writing on the back of an instrument. The transfer or assignment of an instrument to another by writing one's name on the back of it.

INDORSER (*in-dor'-ser*). The one who makes or executes an indorsement.

INDUCEMENT (*in-duse'-ment*). The motive or reason for doing a thing. A portion of a declaration or plea, introductory to and necessary to explain the principal portion of the plea.

INFAMOUS CRIME (*in'-fa-mus krime*). A crime punishable by imprisonment in a penitentiary.

INFAMY (*in'-fa-me*). Loss of reputation, credit, and formerly of legal status through conviction of a crime; disgrace; disqualification of acting as witness or juror.

INFEOFFMENT (*in-fef'-ment*). The act or instrument by which one was invested or put in possession of land.

INFERENCE (*in'-fer-ense*). The reasoning by which a fact is proved as a logical consequence of other facts known to be true or already admitted.

INFERIOR COURT (*in-fere'-i-or kort*). A court of special or limited jurisdiction or one from which an appeal lies to an appellate court.

INFORMATION (*in-for-may'-shun*). An accusation, in the form of an indictment, presented by a prosecuting attorney or other competent officer instead of by a grand jury.

INFRA (*in'-fra*). Below, under, underneath, beneath; within.

INFRINGEMENT (*in-frinj'-ment*). A trespass or violation of a law or right; invasion of rights secured to another by patent, copyright or trademark.

INHERENT (*in-here'-ent*). Intrinsic; belonging to or resulting from the nature of a thing; characteristic of anything itself.

INHERITANCE (*in-hare'-i-tanse*). The right to succeed to the estate of a person who dies intestate. The property itself which is so inherited.

INJUNCTION (*in-jung'-shun*). A prohibitory writ, issued by a court of equity, forbidding a person from doing some act which is deemed inequitable as far as the rights of another may be concerned.

INJURIA (*in-jure'-i-a*). (Lat.) A wrong; injury; violation of a right.

INJURIA ABSQUE DAMNO (*in-jure'-i-a abs'-kwe dam'-no*). A wrong without damage.

INJURY (*in'-jure-re*). A tort; any wrong done another.

INNS OF COURT (*ins of kort*). Voluntary unincorporated legal societies which developed in London and where students of law gathered, heard lectures, and prepared for the legal profession.

INNUENDO (*in-u-en'-doe*). To hint at; meaning. An averment or clause in a declaration, indictment, or pleading explaining some previous statement, as, for instance, the meaning of libellous words.

INQUEST (*in'-kwest*). The proceeding or inquiry made by a coroner to determine the reason a person may have died suddenly or violently.

INQUISITION (*in-kwi-zish'-on*). An inquest; any judicial inquiry.

INSOLVENCY (*in-sol'-ven-see*). The condition of a person who is unable to pay his debts as they fall due or in the ordinary course of business.

INSTANTER (*in-stan'-ter*). Immediately; without delay; forthwith.

INSTIGATE (*in'-sti-gate*). To incite one to action; to

abet; to aid or encourage in the commission of an offense.

INSTITUTE (*in'-sti-tute*). To begin or commence; to originate; to constitute or appoint.

INSTITUTES (*in'-sti-tutes*). Textbooks containing an orderly arrangement of fundamental legal principles.

INSTITUTION (*in-sti-tu'-shun*). The commencement of anything. A custom, rule, law, or organization long established. An organized society or corporation, usually public in character, or the building or place where such a society is established.

INSTRUCTION (*in-struk'-shun*). A direction given by the judge to the jury as to the law of the case or some aspect of it.

INSTRUMENT (*in'-stru-ment*). A document; any writing executed and delivered as the evidence of an act or agreement.

INSUFFICIENCY (*in-su-fish'-en-see*). Weakness in form and substance of a pleading; lack of fullness or completeness.

INSURABLE INTEREST (*in-shure'-a-bl in'-ter-est*). Such interest in property or life of a person as might cause the holder of such interest loss if the property or life was destroyed.

INSURANCE (*in-shure'-anse*). A contract whereby, for an agreed premium, one party undertakes to compensate the other for loss on a specified subject by reason of specified perils.

INSURED (*in-shured'*). The person whose life or interest in property is covered by insurance.

INSURER (*in-shure'-er*). The party in an insurance

contract who agrees to make compensation to the other.

INTENT (*in-tent'*). The meaning, purpose, and significance of a person's words or acts; the design, purpose and determination to use certain means to effect a desired result.

INTER (*in'-ter*). (Lat.) Between; among.

INTER ALIA (*in'-ter ay'-li-a*). Among other things.

INTER ALIOS (*in'-ter a'-li-ose*). Between other persons —strangers to the suit in question.

INTER PARTES (*in'-ter par'-tez*). Between the parties, a phrase indicating that two parties make and execute some instrument.

INTER SE (*in'-ter see*) or **INTER SESE** (*in'ter see'-see*). Among themselves.

INTER VIVOS (*in'-ter vy'-vos*). Between living persons.

INTERESSE (*in-ter-ess'-see*). Interest; interest in lands; the interest of money.

INTEREST (*in'-ter-est*). The right of property which a person has in anything. The relation or concern which one may have in another or in some matter. The compensation allowed by law or fixed by the parties to a contract for the use or forbearance or detention of money.

INTERFERENCE (*in-ter-fere'-ense*). The conflict or proceeding in the patent office to determine the priority of two inventions which make the same claims.

INTERIM (*in'-ter-im*). In the meantime; meanwhile.

INTERIM ORDER (*in'-ter-im or'-der*). A preliminary order or injunction; one made by a court pending the outcome of the suit.

INTERLINEATION (*in-ter-lin-e-ay'-shun*). Writing between the lines of an instrument; the insertion of matter in a written instrument after it is written, either before or after execution.

INTERLOCUTORY (*in-ter-lok'-u-tor-re*). Provisional; temporary; intervening; something done between commencement and end of suit, deciding some point in relation to the suit only temporarily.

INTERNATIONAL (*in-ter-nash'-on-al*). Relations between nations or between people of different nations.

INTERNATIONAL LAW (*in-ter-nash'-on-al law*). The system of rules and principles, developed through treaty, custom, precedent, and opinion, which civilized nations follow in their dealings with one another.

INTERNATIONAL PRIVATE LAW (*in-ter-nash'-on-al pry'-vat law*). The regulation of reciprocal and personal relations of the inhabitants of different states, such as determining the court of what state before which a particular case should be brought, and the law of what nation by which it should be decided. Also known as Conflict of Laws.

INTERNATIONAL PUBLIC LAW (*in-ter-nash'-on-al pub'-lik law*). The law regulating purely the political relations of nation to nation.

INTERPLEADER (*in-ter-plee'-der*). A proceeding in the nature of an equitable remedy, by which a defendant who is sued for money or property in his hands obtains an order on a third party to plead in his stead, on ground that there are conflicting claims as to the property and defendant is uncertain to whom to give it up or to yield it.

INTERPRETATION (*in-ter-pre-tay'-shun*). The determining of the intent or meaning of words, signs, or

any symbol of expression which may not at first glance be evident.

INTERREGNUM (*in-ter-reg'-num*). The vacancy which occurs when there is no government; the period of time between the death of one sovereign and the accession of another.

INTERROGATORIES (*in-ter-rog'-a-tor-eez*). Questions, usually in writing, designed to elicit from witnesses the facts in some matter.

INTERSTATE (*in'-ter-state*). Between different states; concerning two or more states or people of different states.

INTERSTATE COMMERCE (*in'-ter-state kom'-erse*). Intercourse, trading, or transportation of persons or property from one state to another.

INTERVENOR (*in-ter-vee'-nor*). One who, by leave of court, voluntarily interposes in a suit and becomes a party to it, to protect some right or interest.

INTERVENTION (*in-ter-ven'-shun*). The proceeding by which a person, not a party to some pending suit, is permitted to make himself a party to such suit to protect a right or interest of his which might be affected by it.

INTESTACY (*in-tes'-ta-see*). The state or condition of dying without leaving a will.

INTESTATE (*in-tes'-tate*). Without a will. The person who dies without leaving a valid will.

INTRA (*in'-tra*). (Lat.) In; within; within the bounds of.

INTRA VIRES (*in'-tra vy'-reez*). Within the powers; within the authority given by law; the opposite of ultra vires.

INTRINSIC (*in-trin'-sik*). The true, basic, essential and inherent character or value of a thing.

INURE (*in-ure'*). To result; to accrue to the benefit of a person.

INVENT (*in-vent'*). To create; to produce something new.

INVENTION (*in-ven'-shun*). The act of producing something not known to exist previously; the article so produced by independent thought or research.

INVENTORY (*in'-ven-tor-re*). An itemized list or schedule of some or all of the merchandise, rights, credits, or other property belonging to a person or persons.

INVEST (*in-vest'*). To confer upon; to clothe with authority. To lay out capital in some permanent form so as to produce an income.

INVESTITURE (*in-ves'-ti-chur*). The act of clothing a person with actual possession of land or placing him in some office of dignity.

INVESTMENT (*in-vest'-ment*). The loaning or placing of money so as to produce income or profit.

INVOLUNTARY (*in-vol'-un-tare-re*). Unintentional; without will or power of choice.

IPSO FACTO (*ip'-so fak'-toe*). (Lat.) By the fact itself; by the very act.

IRRELEVANT (*ir-rel'-e-vant*). Not pertinent; not related to the matter at issue.

IRREVOCABLE (*ir-rev'-o-ka-bl*). That which cannot be revoked or recalled.

ISSUE (*ish'-oo*). All descendants of a common ancestor. A question of right to be determined between parties,

one party claiming a certain right or truth of some matter and the other party denying it. To go or send forth; to promulgate; to put into circulation.

J

JACTITATION (*jak-ti-tay'-shun*). A false claim or boast.

JEOFAIL (*jef'-ale*). A mistake or error in a pleading.

JEOPARDY (*jep'-ar-dee*). Hazard, peril, danger; the peril faced by a prisoner when he is charged with a crime before a tribunal competent to try him.

JETSAM (*jet'-sum*). Goods purposely thrown into the sea from a vessel in danger of being wrecked, in order to lighten her.

JETTISON (*jet'-i-son*). The act of throwing overboard, from necessity, part of the load of a ship. The articles so cast out; jetsam.

JOINDER (*join'-der*). Union; concurrence; uniting two or more parts in one or joining two or more persons in one action.

JOINT (*joint*). Undivided; united; coupled together in interest or liability.

JOINT ACTION (*joint ak'-shun*). An action prosecuted or defended by two or more persons together.

JOINT AND SEVERAL (*joint and sev'-er-al*). The option of suing one or more persons separately or all together.

JOINT STOCK COMPANY (*joint stock kum'-pa-nee*). An association of individuals, somewhat in nature of a partnership, formed for individual gain and having a common capital contributed by the members, such

capital, however, being divided into shares which are transferrable by the owners.

JOINT TENANCY (*joint ten'-an-see*). An estate held by two or more persons jointly with equal rights of enjoyment and profit during the life of any of the joint tenants. The interest of each joint tenant must be the same, must arise at the same time through one and the same conveyance, and must entitle each to undivided possession.

JOINTURE (*join'-chur*). An estate conveyed or devised to a wife, through pre-marriage agreement, to take the place of and to extinguish dower.

JUDGE (*juj*). A public officer properly appointed or elected to preside and administer the law in a court of justice.

JUDGE ADVOCATE (*juj ad'-vo-kate*). The prosecuting attorney in a military court or court-martial.

JUDGMENT (*juj'-ment*). The final determination of a court upon some proceeding before it. The knowledge or experience upon which competent action or proper understanding is made. An opinion.

JUDGMENT NOTE (*juj'-ment note*). A promissory note which contains a power of attorney authorizing one to enter the appearance of the maker in a suit to collect the amount of the note, if it is not paid at maturity, and have judgment entered against such maker for the amount due plus costs and interest.

JUDICATURE (*joo'-di-kay-chur*). A tribunal or court of justice; the power of the judiciary.

JUDICIAL (*joo-dish'-al*). Belonging to or related to a judge or the administration of justice.

JUDICIAL NOTICE (*joo-dish'-al no'-tis*). The doctrine

of acceptance of certain facts without proof, the truth of such facts being commonly known and not questioned.

JUDICIAL SALE (*joo-dish'-al sale*). A sale made by order of a court of competent authority through its officer commissioned for the purpose.

JUDICIARY (*joo-dish'-i-ar-re*). Pertaining to the courts or the administration of justice. The system of courts or the branch of government which administers the law.

JURAT (*jur'-rat*). The certification or statement at the bottom of an affidavit indicating when and before whom such affidavit was sworn.

JURISDICTION (*jur-ris-dik'-shun*). The power of a court to take cognizance of, hear, and determine a cause, as well as the power to render and enforce judgment in such cause.

JURISPRUDENCE (*jur-ris-proo'-dense*). The body of law considered as a science, that is, one made up of a systematic collection of rules and principles, which form the basis upon which all legal questions are settled.

JURIST (*jur'-rist*). A person skilled or versed in the science of the law.

JUROR (*jur'-or*). A person who serves on a jury.

JURY (*jur'-re*). A specified group or number of persons chosen to hear the evidence or facts in a judicial proceeding and to ascertain the truth on questions of fact in such proceeding.

JUS (*jus*). (Lat.) Right; law; equity.

JUSTICE (*jus'-tis*). A judge. The objective or end to which the administration of law is directed, that is, the

rendering to every man his due.

JUSTICE OF THE PEACE (*jus'-tis of the peese*). A public officer invested with judicial powers limited to minor civil and criminal proceedings.

JUSTIFIABLE (*jus-ti-fy'-a-bl*). Rightful; warranted or sanctioned by law.

JUSTIFICATION (*jus-ti-fi-kay'-shun*). Just cause or excuse; a valid defense to an action.

JUVENILE COURT (*joo'-ve-nil kort*). A court which is given jurisdiction in the regulation and control of neglected or delinquent children.

K

KIDNAPPING (*kid'-nap-ing*). A form of false imprisonment, aggravated by removal of the person to some other place and holding for some unlawful purpose.

KILL (*kill*). To deprive of life; to destroy life in an animal or person.

KIN (*kin*). Relationship primarily by blood but also including that of marriage.

KIND (*kynd*). Class, sort, type, grade.

KINDRED (*kin'-dred*). Persons related to one by blood.

L

LACHES (*lach'-ez*). Such unreasonable delay or lack of diligence, especially in regard to prosecuting a claim, that injustice would result if such negligence were overlooked.

LAND GRANT (*land grant*). A congressional or leg-

islative grant of public land for the promotion of some public purpose expressed in the grant.

LANDMARK (*land'-mark*). A monument or natural object serving to point out the boundary between two contiguous estates.

LAND PATENT (*land pat'-ent*). A certificate of title issued by a government in conveying public land to an individual.

LANDLORD (*land'-lord*). A person owning lands and leasing it to another, the tenant, for a term of years.

LANDS, TENEMENTS AND HEREDITAMENTS (*lands, ten'-e-ments and her-e-dit'-a-ments*). A phrase including all immovable property.

LAPSE (*laps*). To pass slowly or by degrees; to fall or fail. The end of a right or privilege through failure to exercise such right or because of the happening of a contingency preventing its enforcement.

LAPSED DEVISE (*lapst de-vize'*). A devise which cannot take effect due to some happening before testator's death, such as death of devisee.

LAPSED LEGACY (*lapst leg'-a-see*). A legacy which fails because of occurrence of some event before testator's death, such as death of legatee.

LARCENY (*lar'-sen-nee*). The taking and carrying away of the property of another against his will and without his consent, with the intent to deprive the owner permanently of it or to convert it to the use of the taker.

LARCENY BY BAILEE (*lar'-sen-nee by bay-lee'*). The crime of converting to one's own use money or property entrusted to him.

LARCENY FROM THE PERSON (*lar'-sen-nee frum*

the per'-son). The offense of taking some article from the person by merely lifting it from the person or from his pocket.

LASCIVIOUS (*la-siv'-i-us*). Indecent, obscene, lewd, depravity of morals.

LATENT (*lay'-tent*). Hidden; concealed; not apparent on the surface or by superficial inspection.

LATENT AMBIGUITY (*lay'-tent am-bi-gu'-i-te*). A doubtfulness of meaning or obscurity of intention arising not from words themselves or the expression itself but rather from extrinsic circumstances connected with such expression.

LATENT DEFECT (*lay'-tent de-fekt'*). A defect in some object of sale, known to the seller but not apparent to the buyer and not discoverable by mere observation.

LATERAL SUPPORT (*lat'-er-al su-port'*). The natural support given to land and buildings by adjacent land—a right which prevents an adjoining landowner from carelessly excavating his land so as to take away this natural support.

LAW (*law*). Something established or ordained. The rules by which any society regulates or controls the actions of its members.

LAW MERCHANT (*law mer'-chant*). A system of commercial rules and regulations developed through the customs and usages of merchants and mariners, which customs were so universally followed that they became part of the law of the land.

LAW OF NATURE (*law of nay'-chur*). Such law as applies to men universally, as creatures of God, the sovereign of the universe, comprehending such human

actions as reverence to God, honor to our parents, gratitude, honorableness, etc.

LAWFUL (*law'-ful*). Legal; that which is sanctioned or authorized by law.

LAWSUIT (*law'-sute*). Litigation; any action or cause instituted in a court of law.

LAWYER (*law'-yer*). A person skilled in the law. One licensed to practice law.

LEADING QUESTION (*leed'-ing kwes'-chun*). A question so worded as to suggest the answer to be given by the one to whom the question is put.

LEASE (*leese*). A contract in consideration of the payment of rent for the possession and use of lands and tenements for a certain period of time or at the pleasure of the parties.

LEASEHOLD (*leese'-hold*). The estate held by virtue of a lease; an estate for a fixed term of years.

LEAVE OF COURT (*leeve of kort*). Permission granted by a court to do something which, without such permission, would not be proper.

LEGACY (*leg'-a-see*). A gift of personal property by will; a bequest.

LEGAL (*lee'-gal*). Proper; lawful; according to or allowed by law. Pertaining to a court of law, rather than to equity.

LEGAL NOTICE (*lee'-gal no'-tis*). Such notice as is required by law to be given in some particular situation.

LEGAL TENDER (*lee'-gal ten'-der*). Such currency or moneys as have been established by law as suitable for payment of a debt.

LEGATEE (*leg-a-tee'*). The one to whom a legacy is given.

LEGATION (*le-gay'-shun*). A mission; an embassy; the persons commissioned by one government to exercise diplomatic functions at the court of another.

LEGISLATION (*lej-is-lay'-shun*). The preparation and enactment of laws by a competent body.

LEGISLATURE (*lej-is-lay'-chur*). The representative body that makes the laws for the people of a state.

LEGITIMATE (*le-jit'-i-mate*). Legal; recognized by law. To make lawful.

LESSEE (*les-see'*). The one who holds an estate by virtue of a lease.

LESSOR (*les'-or*). The one who grants land under a lease.

LET (*let*). To lease; to demise. To award a contract to a bidder.

LETTER OF MARQUE AND REPRISAL (*let'-er of mark and re-pry'-zal*). A commission granted by a government to a private individual to take the property of a foreign state or that of its citizens.

LETTERS OF ADMINISTRATION (*let'-ers of ad-min-is-tray'-shun*). The authorization from a probate court for the person or persons named in such authorization to act as administrator of the estate of a person who died without leaving a will.

LETTERS PATENT (*let'-ers pat'-ent*). An instrument evidencing a conveyance of property or grant of some right or privilege from the government to an individual.

LEVY (*lev'-ee*). To raise; assess; exact; collect; seize. A

seizure. The raising of money from the seizure and sale of property.

LEVYING WAR (*lev'-e-ing war*). The conspiring and assembling of a body of men for purposes of insurrection and rebellion against constituted authority or of effecting by force a treasonable object.

LEX (*leks*). (Lat.) A law; the law.

LEX DOMICILII (*leks doe-mi-sil'-li-eye*). The law of the domicile.

LEX LOCI (*leks lo'-sy*). The law of the place which determines the basis for a right of action.

LEX SITUS (*leks sy'-tus*). The law of the place where a thing is situated.

LIABILITY (*ly-a-bil'-i-tee*). Any kind of debt, obligation, or responsibility; the state or condition of one who is bound or obligated in law or justice.

LIBEL (*ly'-bel*). Anything, written or printed, reflecting on the character or reputation of another, published without justification or excuse and exposing him thus to ridicule, hatred, or contempt. The written statement by the plaintiff in an admiralty suit of his cause of action; the pleading in an admiralty suit serving the same purpose as the declaration in a common law action.

LIBELLANT (*ly'-bel-ant*). The plaintiff in admiralty proceeding or the one who files a libel.

LIBELLEE (*ly'-bel-lee*). The defendant in an admiralty case, or the one against whom a libel is filed.

LIBERTY (*lib'-er-tee*). Freedom from restraint; the right and power of deciding and doing what one decides without restriction from an outside source.

LICENSE (*ly'-sense*). A permission; a privilege; a right given by the owner, government, or some competent authority to do an act which otherwise would be illegal or would constitute a tort.

LICENSE FEE (*ly'-sense fee*). Payment for the privilege of operating certain callings, business, or professions.

LICENSEE (*ly-sense-see'*). One who holds a license; the person licensed.

LICET (*ly'-set*). (Lat.) It is lawful; permitted or not forbidden by law.

LIEGE (*leej*). Bound by a feudal tenure; bound in fealty or allegiance to a lord.

LIEN (*lee'-en*). An encumbrance; a right to hold property of another until some claim or obligation is paid.

LIFE ESTATE (*lyfe es-tate'*). An estate in land granted to one for the term of his life or that of another.

LIFE INTEREST (*lyfe in'-ter-est*). An interest in property that is terminated by the death of a certain person.

LIMITATION (*lim-i-tay'-shun*). A restriction; the contingency which determines the end of some restricted estate.

LIMITATION OF ACTIONS (*lim-i-tay'-shun of ak'-shuns*). A period of time, as fixed by statute, within which an action must be brought after the cause of action arises, and after which the action no longer can be enforced by law.

LIMITED (*lim'-i-ted*). Restricted; circumscribed; confined within prescribed bounds.

LINE (*lyne*). The series of persons who have descended from a common ancestor. A boundary, border, or limit.

LINEAL (*lin'-e-al*). In a direct line.

LINEAL CONSANGUINITY (*lin'-e-al kon-sang-gwin'-i-tee*). Blood relationship between persons, where one is descended directly from the other.

LIQUIDATE (*lik'-wi-date*). To pay or settle; to gradually lessen and extinguish all debt. To ascertain; to determine.

LIQUIDATED DAMAGES (*lik'-wi-day-ted dam'-ajs*). Damages agreed upon in advance of a default or breach of contract as the amount to be paid by the party in default.

LIQUIDATED DEBT (*lik'-wi-day-ted det*). A debt certain in amount.

LIS PENDENS (*lyse pen'-denz*). (Lat.) A pending suit. The doctrine by which a court maintains control over property involved in a suit until final disposition of such suit.

LITE PENDENTE (*ly'-te pen-den'-te*). Pending suit; while the action is pending.

LITERARY PROPERTY (*lit'-er-rare-re prop'-er-tee*). The interest of an author in his works, irrespective of copyright.

LITIGANT (*lit'-i-gant*). A party to a suit or action.

LITIGATION (*lit-i-gay'-shun*). A judicial suit or contest.

LIVERY OF SEISIN (*liv'-er-ree of see'-zin*). Delivery of possession of land to one entitled to the same.

LOAN (*lone*). An advance of money with a promise to repay.

LOCAL ACTION (*lo'-kal ak'-shun*). An action which can be brought in one particular county only.

LOCAL COURTS (*lo'-kal korts*). Courts whose jurisdiction is limited to a particular district.

LOCAL OPTION (*lo'-kal op'-shun*). A right conferred by statute on individual districts to determine for themselves whether licenses shall be issued for the public sale of liquor.

LOCATION (*lo-kay'-shun*). A mining claim; a parcel of land appropriated according to established rules for the purpose of developing a discovery of minerals.

LOCO PARENTIS (*lo'-ko pa-ren'-tis*). (Lat). In place of the parent.

LOCUS CRIMINIS (*lo'-kus crim'-i-nis*). The place of the crime.

LOCUS DELICTI (*lo'-kus de-lik'-ty*). The place where the tort or injury has been committed.

LOCUS PENITENTIAE (*lo'-kus pen-i-ten'-she-ee*). (Lat. A place for repentance.) The opportunity, before a contract is finally effected, to withdraw from the contemplated undertaking.

LOCUS SIGILLI (*lo'-kus si-jil'-lye*). The place of the seal. Abbreviated as "L.S.," it serves as the seal itself.

LODE (*lode*). A body of mineral or mineral-bearing rock, lying within certain boundaries and distinguishable from neighboring rock.

LORD (*lord*). The one from whom a tenant receives land. A title of office, honor, or nobility.

LOSS (*loss*). Injury or damage to goods. The destruction of some object. The act of losing or the thing itself which is lost.

LUCRI CAUSA (*lu'-kry kaw'-za*). For the sake of gain—a term used in criminal law to indicate the intent with which property is taken in cases of larceny.

M

MAGISTRATE (*maj'-is-trate*). An inferior judicial officer. Any public officer invested with some judicial power.

MAGNA CHARTA (*mag'-na kar'-ta*). The great charter—more specifically, the one obtained from King John of England on June 19, 1215, by his barons, reconfirming the fundamental laws of England and establishing the principal grounds of liberty which are recognized today as protective of the individual.

MAIM (*mame*). To disable; to commit mayhem; to cripple a person so that he is less able to fight or defend himself.

MAINTENANCE (*mane'-te-nanse*). Support, aid, assistance. The offense by one of intermeddling in a suit which does not concern him or of stirring up quarrels or strife.

MAJORITY (*ma-jor'-i-te*). The condition of a person who is arrived at full age; the opposite of minor. The greater number.

MAKER (*may'-ker*). The one who makes or executes a promissory note.

MAL (*mal*). A prefix meaning bad, wrong, or fraudulent.

MALA (*mal'-a*). Bad

MALA IN SE (*mal'-a in see*). Acts or things wrong in themselves, that is, morally wrong, rather than such as may be mala prohibita (forbidden by law).

MALA PROHIBITA (*mal'-a pro-hib'-i-ta*). Those acts or things which are specifically prohibited by law.

MALADMINISTRATION (*mal-ad-min-is-tray'-shun*).

Bad or wrongful administration.

MALEFACTOR (*mal'-e-fak-tor*). One who has committed a crime.

MALFEASANCE (*mal-fee'-zanse*). Ill conduct; the unjust performance of an act which a person has no right to do.

MALICE (*mal'-is*). Ill-will; an evil intent or condition of the mind as is associated with the doing of a wrongful act without excuse or justification.

MALICE AFORETHOUGHT (*mal'-is a-fore'-thawt*). A technical phrase used in conjunction with murder to indicate that the killing was intentional rather than the result of chance.

MALICIOUS (*ma-lish'-us*). Characterized by malice; wrongful; without just cause.

MALICIOUS PROSECUTION (*ma-lish'-us pross-e-ku'-shun*). The institution of criminal or civil action against another without probable cause and with malice.

MALO ANIMO (*may'-lo an'-i-mo*). With malice; with bad intent.

MALPRACTICE (*mal-prak'-tis*). Failure to perform professional duties, such as those of a doctor, with the skill, learning, and care reasonably expected of one in like circumstances.

MALUM (*may'-lum*). Bad, evil, wicked.

MALUM IN SE (*may'-lum in see*). A crime or offense which is wrong in itself, that is, because of its inherent nature rather than because it is declared unlawful.

MALUM PROHIBITUM (*may'-lum pro-hib'-i-tum*). A wrong prohibited by law.

MANDAMUS (*man-day'-mus*). (Lat. We command.)

One of the extra-ordinary legal remedies, used when ordinary modes of proceeding are ineffectual. It is an order from a superior court, commanding, in the name of the state or sovereign, an inferior court, corporation, or natural person to do some particular thing which he or it has the power to perform.

MANDATE (*man'-date*). A direction or request. A judicial command or an authoritative order. A gratuitous bailment, involving work or service on the property rather than safe-keeping of it.

MANDATORY (*man'-di-tor-re*). Peremptory; imperative; essential; compelling.

MANIFEST (*man'-i-fest*). Plain; evident; visible. A written document giving an account of a ship's ownership, destination, cargo, passengers and baggage.

MANIFESTO (*man-i-fes'-toe*). A solemn declaration by the constituted authority of one nation, justifying the declaration of war or the taking of other important steps against some other nation.

MANOR (*man'-or*). A house, residence, or dwelling. Formerly, the feudal estate of a lord.

MANSE (*manse*). A habitation; a dwelling house, including farm and land; a parsonage or vicarage house.

MANSION-HOUSE (*man'-shun-house*). Any dwelling house, as used in the law pertaining to burglary.

MANSLAUGHTER (*man'-slaw-ter*). The unlawful killing of another either voluntary or involuntary but without malice.

MANUSCRIPT (*man'-u-skript*). A hand-written paper. An author's unpublished writings.

MARINE (*ma-reen'*). Pertaining or relating to the sea.

- MARINE CONTRACT** (*ma-reen' kon'-trakt*). A contract pertaining to shipping or navigation and over which admiralty courts exercise jurisdiction.
- MARITAL** (*mare'-i-tal*). Pertaining or relating to the marriage relationship.
- MARITIME** (*mare'-i-time*). Pertaining to navigation or commerce on the seas, oceans, great lakes and rivers.
- MARKET** (*mar'-ket*). A public place and set time for buying and selling. The general demand for any article at any particular time.
- MARKET VALUE** (*mar'-ket val'-u*). The price at which an article can be sold at any particular time.
- MARKETABLE TITLE** (*mar'-ket-a-bl ty'-tl*). A title which reasonably may be accepted as readily transferrable.
- MARRIAGE** (*mare'-aj*). An institution or civil status accomplished by the union of a man and woman, united in law for life for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex.
- MARRIAGE SETTLEMENT** (*mare'-aj set'-l-ment*). An agreement whereby, in consideration of a contemplated marriage between the parties to the agreement, title to property is transferred from one to the other or their rights to each other's property is determined.
- MARSHAL** (*mar'-shal*). To put into proper order; to arrange. An officer of the United States whose duty it is to execute the process of the courts of the United States.
- MARSHALING ASSETS** (*mar'-shal-ing ass'-ets*). An equitable principle by which the assets of a debtor are

arranged so as to satisfy creditors equitably rather than one to the exclusion of another, without however total disregard to superior or inferior rights.

MARTIAL LAW (*mar'-shal law*). Such government or authority which a military commander may legally exercise over civilians or civilian projects in time of emergency, to the exclusion of the usual civilian government.

MASTER (*mas'-ter*). One who rules, directs, or instructs. A principal who employs another to perform services for him and who controls the physical actions of such other in the performance of his duties.

MASTER IN CHANCERY (*mas'-ter in chan'-ser-re*). An officer of a chancery court appointed to assist the court in judicial or ministerial duties relating to proceedings before it and to report his findings, which the court is at liberty to accept or disregard as it may see fit.

MATERIAL (*ma-tere'-i-al*). Important; substantial; going to the essence of a thing or the merits of a proposition.

MATERIAL ALLEGATION (*ma-tere'-i-al al-e-gay'-shun*). An allegation essential or necessary to a claim or defense—one that could not be omitted without leaving the claim or defense insufficient.

MATERIAL EVIDENCE (*ma-tere'-i-al ev'-i-dense*). Evidence that is relevant and goes to the essence of the matter in dispute.

MATRIMONY (*mat'-ri-mo-ne*). The status of being married.

MATTER (*mat'-er*). A fact or facts constituting a ground of action or defense. Any substantial or perceptible thing.

MATTER IN ISSUE (*mat'-er in ish'-oo*). A disputed point or question. A point affirmed on one side and denied on the other.

MATTER OF FACT (*mat'-er of fakt*). A truth which can be proved by one of the senses or the testimony of witnesses.

MATTER OF LAW (*mat'-er of law*). Matter the truth or falsity of which is determined by rules of law or reasoning based on legal principles.

MATTER OF RECORD (*mat'-er of rek'-ord*). A fact which can be proved by the production of a record.

MATURITY (*ma-ture'-i-te*). The date upon which a bill of exchange or note becomes due; coming of age; ripeness.

MAXIM (*mak'-sim*). A generally accepted rule, law, or principle; a principle of law universally admitted as sound and reasonable.

MAYHEM (*may'-hem*). The crime of unlawfully depriving another of the use of his limbs or such members of his body as to make him less able to defend himself.

MAYOR (*may'-or*). The chief executive officer of a city.

MEASURE (*mezh'-ur*). A standard of computation. An act or resolution.

MEASURE OF DAMAGES (*mezh'-ur of dam'-ajs*). The method or rule by which the extent of damages sustained may be computed.

MECHANIC'S LIEN (*me-kan'-iks lee'-en*). A claim given by law in behalf of mechanics and material men on land and buildings to secure priority of payment for work done and materials furnished for the erection or repair of buildings.

MEDIATION (*me-di-ay'-shun*). The intervention by a third party in a dispute to persuade the disputants to settle their differences.

MEDICAL JURISPRUDENCE (*med'-i-kal joo-ris-pru'-dense*). Forensic medicine; the application of medical rules and principles to legal questions.

MEMORANDUM (*mem-o-ran'-dum*). A simple and informal writing or record of some fact or agreement; any writing that may assist the memory.

MENACE (*men'-us*). A threat; an evident disposition to inflict an injury upon another.

MENIAL (*mee'-ni-al*). A domestic servant. Pertaining to servants or domestic service.

MENS REA (*menz re'-a*). A guilty mind; a criminal intent.

MERCANTILE LAW (*mer'-kan-til law*). The law merchant or commercial law; that branch of law developed by customs and experiences of merchants and traders.

MERCHANDISE (*mer'-chan-dize*). Such commodities which are ordinarily the objects of trade and commerce.

MERCHANT (*mer'-chant*). Any person whose business it is to buy and sell merchandise.

MERCHANTABLE (*mer'-chan-ta-bl*). Fit to be sold, that is, of quality ordinarily found in similar articles on the market.

MERCHANTABLE TITLE (*mer'-chan-ta-bl ty'-tl*). Title that is readily transferable; one that is without defect.

MERCHANTMAN (*mer'-chant-man*). A ship or vessel used in commercial service, that is, foreign or domestic commerce.

- MERGER** (*mer'-jer*). The absorption of a right or thing of lesser importance by a greater, the lesser thus ceasing to exist independently.
- MERITS** (*mare'-its*). Actual legal rights as opposed to matters of form; the justice of a cause rather than technicalities.
- MESNE** (*meen*). Intermediate; intervening; the middle between two extremes.
- MESNE PROCESS** (*meen pro'-sess*). Process of a court issued between the beginning and end of a suit.
- MESNE PROFITS** (*meen prof'-its*). Profits which one receives between disseisin and recovery of lands.
- MESSUAGE** (*mes'-waj*). A dwelling house plus, sometimes, adjacent buildings, garden, yards, orchard, etc.
- METES AND BOUNDS** (*meets and bounds*). The boundary lines and terminal points or corners of a piece of land.
- MILITARY** (*mil'-i-tare-re*). Pertaining to war or the army.
- MILITIA** (*mi-lish'-a*). A military force made use of only in emergencies and made up of citizens who are trained to military duty but who are not part of any standing army in peace time.
- MINE** (*myne*). An excavation in the earth from which minerals are removed, or the operation by which the minerals are secured.
- MINERAL** (*min'-e-ral*). Any substance which is found in the earth and which has value apart from the earth in which it is found.
- MINISTER** (*min'-is-ter*). A clergyman of any denomination or faith. An officer invested with the admin-

istration of the government. A representative of the government in some foreign country.

MINISTERIAL (*min'-is-tere-i-al*). That which is done as a matter of duty in obedience to superior authority or according to prescribed rules and requiring the exercise of no discretion or individual judgment.

MINOR (*my'-nor*). A person who has not reached legal age. Lower; of lesser importance.

MINORITY (*mi-nor'-i-te*). Infancy; the state of being a minor. The smaller number of votes or persons, as opposed to the majority.

MINT (*mint*). The official place where money is coined.

MINUTES (*min'-its*). The notes or records of what transpires in court proceedings or in corporate meetings.

MISCEGENATION (*mis-e-je-nay'-shun*). A mixture of races; the marriage of a white person with a colored person.

MISDEMEANOR (*mis-de-me'-nor*). Any crime or offense inferior to a felony.

MISFEASANCE (*mis-fee'-zanse*). A wrong or trespass; the doing of a lawful act in an unlawful or wrongful manner.

MISJOINDER (*mis-join'-der*). The improper joining of parties to a suit who do not have a joint interest or of several distinct causes of action in one suit which the law does not permit to be joined.

MISPLEADING (*mis-plee'-ding*). Error or omission of any matter essential to the support or defense of an action.

MISPRISION (*mis-prizh'-on*). A misdemeanor that has

no particular name or the offense of obstructing justice or concealing a crime.

MISREPRESENTATION (*mis-rep-re-zen-tay'-shun*). An untrue statement of fact; any manifestation leading another to believe a condition or state of facts that does not exist.

MISTAKE (*mis-take'*). An error; the doing or failure to perform an act as a result of some misconception of the facts involved or of the consequences.

MISTAKE OF FACT (*mis-take' of fakt*). A mistake arising when some material fact is unknown or when such is believed to exist but in reality it doesn't.

MISTAKE OF LAW (*mis-take' of law*). A mistake arising when a party has full knowledge of the true facts but draws incorrect conclusions as to their legal effect.

MISTRIAL (*mis-try'-al*). The trial of a case which cannot proceed to a final judgment because of disregard of some fundamental requisite.

MITIGATION (*mit-i-gay'-shun*). Lessening the amount of a penalty or punishment due to extenuating circumstances.

MITTIMUS (*mit'-i-mus*). The final process in a criminal case, ordering the sheriff or other officer to convey the offender to prison.

MIXED ACTION (*mikst ak'-shun*). An action for the recovery of land plus damages for its detention, thus having attributes of both a real and personal action.

MOB (*mob*). A crowd of people, unorganized but excited to some violent or unlawful act.

MODUS (*mo'-dus*). Mode; manner; means; form.

MOIETY (*moy'-e-te*). One half of anything.

MONARCHY (*mon'-ar-ke*). A government that is controlled and ruled totally by one person.

MONEY (*mun'-ee*). Whatever is used as a medium of exchange in a civilized nation.

MONOPOLY (*mo-nop'-o-le*). The restriction of free trade, resulting from one person or a small group of persons gaining control over the supply of a particular kind of merchandise and thus controlling its price; a privilege granted one to exclusively make, use, or sell some article.

MONUMENTS (*mon'-u-ments*). Natural or artificial objects used for the purpose of establishing permanent landmarks and boundaries.

MOOT (*moot*). Unsettled; undecided. The practice of arguing hypothetical cases.

MOOT COURT (*moot kort*). A court where imaginary or hypothetical cases are argued.

MOOT QUESTION (*moot kwes'-chon*). An unsettled point of law.

MORAL CERTAINTY (*mor'-al se'-tan-te*). A degree of probability as to lead one to a definite belief or conclusion concerning some matter.

MORAL CONSIDERATION (*mor'-al kon-sid-e-ray'-shun*). The obligation, not necessarily legal or binding, based on high ethical standards that one should do toward others what he might reasonably expect from them under the same circumstances.

MORAL OBLIGATION (*mor'-al ob-li-gay'-shun*). A duty which one ought to perform by reason of conscience but which he is not legally bound to do.

MORAL TURPITUDE (*mor'-al ter'-pi-tude*). Conduct of a person characterized by disregard of the rights

ordinarily accorded another person.

MORATORIUM (*mor-a-tor'-i-um*). A temporary suspension, authorized by law, of the enforcement of liability for debt.

MORGANATIC MARRIAGE (*mor-ga-nat'-ik mare'-aj*). A lawful and indissoluble marriage, in which the wife, of inferior birth compared to that of her husband, does not partake of the title of her husband or succeed to his inheritance, nor do her children.

MORGUE (*morg*). A place where persons found dead are kept on display for a time for the purpose of identification.

MORTGAGE (*mor'-gaj*). A conveyance of property, absolute in form, but intended to secure the performance of some condition—usually the payment of money—and hence becomes void upon satisfactory performance of the condition.

MORTGAGEE (*mor-ga-jee'*). The one to whom the conveyance is made in a mortgage.

MORTGAGOR (*mor-ga-jor'*). The person mortgaging his property or conveying his property.

MORTMAIN (*mort'-mane*). (From the Latin, *manus mortua*, meaning dead hand). The possession of lands or tenements by a corporation, restrictions against which are commonly made by states to prevent the inalienability of land for long, indefinite periods of time.

MOTION (*mo'-shun*). An application to a court by a party to a suit, requesting a rule or order by the court in his behalf. The method by which a proposal is submitted to a formal meeting for consideration.

MOTIVE (*mo'-tiv*). The cause or reason which leads one to do an act.

MOVABLES (*moo'-va-bls*). Personal property generally, particularly such property as may be taken by a person wherever he goes, including animals which are able to move themselves.

MOVE (*moov*). To make a motion.

MULTIFARIOUSNESS (*mul-ti-fare'-re-us-ness*). The improper joining of distinct and independent matters in a single cause of action.

MULTIPLICITY OF ACTIONS, or SUITS (*mul-ti-plis'-i-te of ak'-shuns or sutes*). Numerous different suits or actions unnecessarily brought upon the same issue against one defendant.

MUNICIPAL (*mu-nis'-i-pal*). Pertaining to a town or city or its government.

MUNICIPAL BONDS (*mu-nis'-i-pal bonds*). Bonds issued by cities or municipalities to raise funds for expenditures not covered by ordinary taxes and income.

MUNICIPAL CORPORATION (*mu-nis'-i-pal kor-po-ray'-shun*). An incorporation of the inhabitants of a district, enabling them to conduct their local government as a political subdivision of the state.

MUNICIPAL COURTS (*mu-nis'-i-pal korts*). Inferior courts, operating in larger cities or municipalities, and having a limited jurisdiction in criminal and civil cases.

MUNICIPAL LAW (*mu-nis'-i-pal law*). The system of law pertinent to one state or nation, as distinguished from international law, but more properly it means those laws which pertain to towns, cities and villages and their local government.

MUNICIPAL ORDINANCE (*mu-nis'-i-pal or'-di-nanse*).

A statute or regulation adopted by a municipal government for application within its jurisdiction.

MUNICIPAL WARRANTS (*mu-nis'-i-pal war'-ants*).

An order drawn by an officer of a municipality upon its treasurer, directing payment of money to a specified individual.

MUNIMENTS (*mu'-ni-ments*). Records of title; written instruments and documents establishing a person's title in land or an estate.

MURDER (*mer'-der*). The wilful killing of a human being by another in accordance with a deliberate purpose or design.

MUTATION (*mu-tay'-shun*). A change or alteration; an exchange, transfer or conveyance.

MUTILATION (*mu-ti-lay'-shun*). Mayhem, or depriving a person of limbs or useful organs. Any physical act, such as tearing, burning, erasing, that does not wholly destroy a document or written instrument but yet makes it less perfect or accurate.

MUTINY (*mu'-ti-ne*). Insurrection; revolt; unlawful resistance to the authority of a superior officer.

MUTUAL (*mu'-chu-al*). Reciprocal; interchangeable; common to both sides.

MUTUAL WILLS (*mu'-chu-al wills*). Separate wills of two people that are reciprocal in their provisions, that is, granting the property of each to the other.

N

NATION (*nay'-shun*). An independent body politic, recognized as such by other nations.

NATIONAL (*nash'-on-al*). Pertaining to a particular nation.

NATIONAL BANK (*nash'-on-al bank*). A bank incorporated and operating under laws of the United States rather than under laws of some state.

NATIONALITY (*nash-on-al'-i-te*). The state or nation to which a person owes allegiance.

NATIVE (*nay'-tiv*). A citizen by birth.

NATURAL (*nach'-u-ral*). According to nature or what rightfully should be expected.

NATURAL CHILD (*nach'-u-ral chyld*). An illegitimate; a bastard.

NATURAL FATHER (*nach'-u-ral fa'-ther*). The father of a bastard.

NATURAL GUARDIAN (*nach'-u-ral gar'-de-an*). The parent of a child.

NATURAL PERSON (*nach'-u-ral per'-son*). A living individual or person as opposed to an artificial person, such as a corporation.

NATURALIZATION (*nach-u-ral-i-zay'-shun*). The process by which an alien is made a citizen of a state or nation.

NAVAL (*nay'-val*). Pertaining to the navy.

NAVIGABLE (*nav'-i-ga-bl*). Capable of serving as a highway for commercial shipping.

NAVIGATION (*nav-i-gay'-shun*). The science or business of operating ships or other transport devices over waters or through the air.

NAVY (*nay'-ve*). All ships belonging to a nation and used in naval warfare.

NE (*nee*). Not; that not; lest.

NECESSARIES (*nes'-e-sare-rez*). Whatever is proper and fitting to a person in his station of life, as well as such things as are indispensable to life, like food, clothing and shelter.

NECESSARY (*nes'-e-sare-re*). Essential; appropriate; needful.

NECESSITY (*ne-ses'-i-te*). Urgency; need; compelling force.

NEGATIVE AVERMENT (*neg'-a-tiv a-ver'-ment*). An allegation in a pleading that asserts a negative as a positive fact.

NEGATIVE CONDITION (*neg'-a-tiv kon-dish'-on*). A condition which provides that a certain event will not happen.

NEGATIVE COVENANT (*neg'-a-tiv kuv'-e-nant*). A covenant wherein the promisor agrees not to do a specified thing.

NEGATIVE PREGNANT (*neg'-a-tiv preg'-nant*). An ambiguous pleading that in form constitutes a denial but at the same time implies an affirmative answer.

NEGLIGENCE (*neg'-li-jense*). The omission of such care, diligence, or skill as the ordinary person would employ under like circumstances.

NEGOTIABLE (*ne-go'-she-a-bl*). Capable of being transferred by assignment, endorsement, or delivery.

NEGOTIABLE INSTRUMENTS (*ne-go'-she-a-bl in'-strû-ments*). Such written instruments, as bills, notes, checks, title to which pass by endorsement or delivery.

NEGOTIATE (*ne-go'-she-ate*). To endorse and deliver a bill or note to another, so that the right of action

thereon passes to the holder. To transfer, to arrange, or to conclude a contract or other business.

NEGOTIATION (*ne-go-she-ay'-shun*). The transfer of a bill or note as prescribed by the law merchant. The act of arranging the terms of a business transaction.

NET (*net*). That which remains after deducting all charges and outlay.

NEW TRIAL (*noo try'-al*). A rehearing of a case tried once before. It is within the discretion of a court to grant a new trial as a matter of practical justice.

NEXT FRIEND (*nekst frend*). The person acting in behalf of an infant or other person unable to act for himself.

NEXT OF KIN (*nekst of kin*). The nearest blood relations of one who dies intestate.

NIHIL (*nye'-hil*). Nothing. Commonly abbreviated to "nil".

NIHIL DICIT (*nye'-hil dye'-sit*). (Lat. He says nothing.) The name of the judgment rendered against a defendant who fails to plead or answer plaintiff's declaration.

NIHIL EST (*nye'-hil est*). (Lat. There is nothing.) The return of the sheriff on a writ when he is unable to serve it.

NIHIL HABET (*nye'-hil hay'-bet*). (Lat. He has nothing.) The return of the sheriff on a scire facias writ which he has been unable to serve.

NIL DEBET (*nil deb'-et*). (Lat. He owes nothing.) The name of the plea constituting the general issue in an action of debt.

NISI (*nye'-sye*). Unless; except.

NISI PRIUS (*nye'-sye pry'-us*). Unless before. A trial by jury of issues of fact before a single judge.

NOLLE PROSEQUI (*nol'-e pros'-e-kwy*). The declaration made on the record by plaintiff or prosecutor that he will proceed no further.

NOLO CONTENDERE (*no'-lo kon-ten'-der-re*). (Lat. I do not desire to contend.) The plea of defendant in a criminal action, not wishing to contest the prosecution. It has the same effect as a plea of guilty, although it may be considered in mitigation of the punishment.

NOMINAL DAMAGES (*nom'-i-nal dam'-ajs*). Damages, trifling in amount, awarded where no substantial damages have been sustained but where a breach of duty or invasion of plaintiff's rights has occurred.

NOMINAL PARTNER (*nom'-i-nal part'-ner*). A partner in name only; one who has no actual interest as a partner but permits his name to be used and holds himself out as one.

NOMINAL PLAINTIFF (*nom'-i-nal plane'-tif*). The one named as plaintiff in an action in which another is the real party in interest.

NON (*non*). Not; no.

NON ASSUMPSIT (*non a-sump'-sit*). A pleading amounting to the general issue in an action of assumpsit.

NON COMPOS MENTIS (*non kom'-pos men'-tis*). Not of sound mind. A term used to denote any form of mental derangement.

NON DETINET (*non det'-i-net*). A pleading amounting to the general issue in an action of detinue.

NON EST FACTUM (*non est fak'-tum*). It is not his

deed. A denial of the execution of the instrument sued on.

NON-FEASANCE (*non-fee'-zanse*). The failure to perform an act required of one.

NON-JOINDER (*non-join'-der*). The omission of a necessary party to an action.

NON OBSTANTE (*non ob-stan'-te*). Notwithstanding.

NON OBSTANTE VEREDICTO (*non ob-stan'-te ve-re-dik'-to*). Notwithstanding the verdict of the jury.

NON-RESIDENT (*non-rez'-i-dent*). One who does not reside in the jurisdiction.

NONSUIT (*non'-sute*). The judgment pronounced against plaintiff when he is unable to prove a case or fails to proceed with it and there has been no trial on the merits.

NOT GUILTY (*not gil'-te*). A plea of the general issue in criminal prosecutions and some civil actions. The verdict in favor of the defendant in a criminal action.

NOTARY PUBLIC (*no'-ta-re pub'-lik*). An officer authorized by a state to attest the genuineness of written instruments and to authenticate the facts contained in them.

NOTE (*note*). A written instrument, containing an absolute promise of its maker to pay a definite sum to a person, his order, or bearer at a stated time.

NOTICE (*no'-tis*). Knowledge; the communication of information, advice, or a warning, given by one person to another concerning some matter.

NOTICE OF DISHONOR (*no'-tis of dis-on'-or*). Notice given to the maker or endorser of a bill of exchange by a subsequent holder that the bill has not been ac-

cepted or paid as specified in the bill.

NOTORIOUS (*no-tor'-i-us*). Open, known, or manifest to all persons. Of questionable reputation.

NOVATION (*no-vay'-shun*). The substitution of a new obligation for an existing one, the latter thereby being extinguished.

NUDUM PACTUM (*nu'-dum pak'-tum*). A naked agreement; a promise made without a consideration.

NUISANCE (*nu'-sanse*). A wide variety of wrongs, arising from the unreasonable or unlawful use by a person of his property, or from his improper conduct, and resulting in material annoyance or injury to another.

NUL (*nul*). No; no one; none.

NUL TIEL RECORD (*nul teel rek'-erd*). No such record. The plea used to deny the existence of the record on which plaintiff bases his action.

NULL (*nul*). That which does not exist or is of no validity or effect.

NULL AND VOID (*nul and void*). The same as null, as the words "null" and "void" mean the same thing.

NULLITY (*nul'-i-te*). An act or proceeding which is of no effect whatsoever.

NUNC PRO TUNC (*nunk pro tunk*). Now for then. A term used to indicate that a thing is done now that ought to have been done before.

NUNCUPATIVE WILL (*nung'-ku-pay-tiv will*). An oral statement made before witnesses by one in immediate fear of death and unable to make a regular will, and ordering the disposition to be made of his property, such statement being later reduced to writing by another.

NUNQUAM (*nun'-kwam*). Never; nowhere.

NUPTIAL (*nup'-shal*). Relating to marriage.

O

OATH (*othe*). A solemn affirmation of the truth of a statement.

OBITER (*ob'-i-ter*). In passing; incidentally; by the way.

OBITER DICTUM (*ob'-i-ter dik'-tum*). A rule or opinion, expressed by a judge, that is incidental, collateral, or not directly involved in the determination of the cause before him.

OBJECTION (*ob-jek'-shun*). A formal remonstrance by a party to the legality of something said or done during the course of a trial, the object being to obtain the court's ruling thereon and to make exception thereto if the ruling is unfavorable.

OBLIGATION (*ob-li-gay'-shun*). Any duty imposed by law, contract, family relationship, or society in general.

OBLIGEE (*ob-li-jee'*). The person to whom another is bound by contract, promise, or other obligation.

OBLIGOR (*ob'-li-gor*). The person bound by promise or obligation to another.

OBLITERATION (*ob-lit-er-ray'-shun*). The act of erasing, crossing out, cancelling, covering, or destroying in some way or other written words.

OBLOQUY (*ob'-lo-kwe*). Blame; censure; reproach.

OBSCENE (*ob-seen'*). Indecent; offensive to chastity and modesty; tending to excite sexual desires.

OBSTANTE (*ob-stan'-te*). Withstanding; hindering.

- OCCUPANCY** (*ok'-u-pan-se*). The taking possession of something which does not have an owner, with the idea of appropriating it to one's own use.
- OCCUPANT** (*ok'-u-pant*). The one who is in actual possession of a thing.
- OFFENSE** (*o-fense'*). Any breach of penal or criminal laws; a crime or misdemeanor.
- OFFER** (*off'-er*). A proposal of terms and conditions upon which one is willing to enter into contractual relationship with another in respect to a certain matter.
- OFFICE** (*off'-is*). A right to exercise a public or private function or employment. A place for transacting public or private business.
- OFFICER** (*off'-i-ser*). One who is lawfully invested with an office or performs the duties of an office.
- OFFICER DE FACTO** (*off'-i-ser de fak'-toe*). One who is in possession of an office or performs the duties of such office, although he may lawfully not be entitled to it.
- OFFICER DE JURE** (*off'-i-ser de joo'-re*). The one lawfully entitled to an office but not performing the duties of such office.
- OFFICIAL** (*o-fish'-al*). Pertaining to a public office. An officer or one invested with a public office.
- OLOGRAPH** (*ol'-o-graf*). (More properly spelled holograph.) An instrument wholly written by the one executing such instrument.
- OPEN ACCOUNT** (*o'-pn a-kount'*). An account which remains unadjusted due to current debits and credits.
- OPEN COURT** (*o'-pn kort*). A court which has formally convened and in which its judicial functions are per-

formed in public as opposed to judge's chambers privately.

OPEN SHOP (*o'-pn shop*). A shop which employs non-union as well as union help.

OPINION (*o-pin'-yon*). An inference or conclusion drawn by a person upon facts observed or presented to him. The reasons given by a judge for his decision in a particular matter.

OPTION (*op'-shun*). Choice; right to choose; a contract, based on consideration, to hold an offer open for a specified length of time.

ORAL (*or'-al*). Expressed in words by the mouth; verbal; spoken words as opposed to written ones.

ORAL DEFAMATION (*or'-al def-a-may'-shun*). Slander, that is, defamation by spoken words.

ORATOR (*or'-a-tor*). The petitioner or complainant in an equity suit. If the petitioner is a woman, the proper term is oratrix.

ORDAIN (*or-dane'*). To make or establish; to enact an ordinance or law.

ORDER (*or'-der*). A command, mandate, or rule. A written command or rule made by a court concerning some preliminary matter involved in a suit. A bill of exchange or written instrument directed by one to another, requesting him to pay a specific amount to a third person.

ORDINANCE (*or'-di-nanse*). A law passed by the legislative body of a municipal corporation. Any law or statute.

ORDINARY (*or'-di-nare-re*). Usual; common; customary; according to standard of the average person.

ORE TENUS (*o'-re tee'-nus*). By word of mouth; orally; verbally.

ORGANIC LAW (*or-gan'-ik law*). A fundamental law, such as is established by a constitution.

ORIGINAL (*or-ij'-i-nal*). First in order; depending on no outside authority or influence; a document or instrument from which copies are made.

ORIGINAL BILL (*or-ij'-i-nal bill*). A bill in equity initiating a suit not previously brought into court nor connected with any pending suit.

ORIGINAL JURISDICTION (*or-ij'-i-nal joo-ris-dik'-shun*). Jurisdiction of a court where a suit is started rather than one where it may be taken on appeal.

ORIGINAL PROCESS (*or-ij'-i-nal pro'-sess*). The process or means by which a suit is commenced and summons served to obtain the appearance of defendant.

ORIGINAL WRIT (*or-ij'-i-nal ritt*). A writ or order, emanating from the king and directed to the sheriff of the county where the injury incurred, requiring him to obtain the presence of the wrong-doer in court, which writ formerly was required to give the court jurisdiction of the matter.

ORPHAN (*or'-fan*). A minor child who is without parents.

OSTENSIBLE AUTHORITY (*os-ten'-si-bl a-thor'-i-te*). Such authority as rightfully may be assumed is possessed by an agent.

OUSTER (*ous'-ter*). The ejection or exclusion by another of the party entitled to the possession of real property.

OVERT (*o'-vert*). Open; manifest.

OVERT ACT (*o'-vert akt*). An actual physical act, indicating the design or intent of the doer.

OWELTY (*o'-el-te*). Equality; an equalization charge paid by one cotenant to another in the case of partition when the property cannot be divided equally.

OWNER (*o'-ner*). Proprietor; the person who has the dominion or title to a thing.

OYER (*o'-yer*). To hear; the right or privilege to inspect or receive a copy of the document or instrument sued upon.

OYEZ (*o'-yes*). Hear ye; the introductory or initial words of a public proclamation or the announcement opening court.

P

PANEL (*pan'-el*). A list of jurors returned by a sheriff, to serve at a particular court or for the trial of some particular action.

PAR (*par*). Equal. The equality existing between the sale price of anything and its actual or face value.

PARAMOUNT (*par'-a-mount*). That which is superior; of higher rank.

PARCEL (*par'-sel*). A part or portion of land or an estate. A small package or bundle.

PARCENARY (*par'-se-nare-re*). The holding of title to lands jointly by parceners, before the common inheritance has been divided.

PARDON (*par'-don*). Freeing one from the punishment prescribed for an offense, either before or after conviction.

PARENS PATRIAE (*pay'-renz pay'-tri-ee*). Father or parent of the country. The state which, as sovereign, has power of guardianship over persons under disabilities.

PARI DELICTO (*pa'-rye de-lik'-toe*). Equally at fault.

PARI PASSU (*pa'-rye pas'-u*). In equal degree.

PARLIAMENT (*par'-li-ment*). The legislative branch of the government of Great Britain.

PARLIAMENTARY LAW (*par-li-men'-ta-re law*). The general rules and customs which govern the proceedings of legislative assemblies and other deliberative bodies.

PAROL (*pa-role'*). Oral; verbal; spoken rather than written.

PAROLE (*pa-role'*). Release of a convict from imprisonment on certain conditions, chiefly good behavior, with possibility of total discharge from balance of sentence or of return to serve unexpired time.

PARTICEPS CRIMINIS (*par'-ti-seps krim'-i-nis*). A party to the crime; an accomplice.

PARTIES (*par'-teez*). All persons who take part in any act or are directly interested in the prosecution or defense of any legal proceedings.

PARTITION (*par-tish'-on*). The division of land, or any other property, held by persons as joint tenants, tenants in common, or coparceners, so that each will hold separately a distinct portion or receive his proper share of the proceeds.

PARTITION FENCE OR WALL (*par-tish'-on fense or wall*). A physical object erected on the dividing line between adjacent land owners, to mark the boundaries or to fence in either's land.

PARTNER (*part'-ner*). One who has united with others to form a partnership.

PARTNERSHIP (*part'-ner-ship*). An association of two or more persons, who contribute capital, labor, or skill in some business venture and agree to divide the profits or share the losses in certain proportions.

PARTY (*par'-tee*). Any person concerned or interested in an affair, transaction, or proceeding.

PARTY WALL (*par'-tee wall*). A wall built on the dividing line between different land owners for the common benefit of both.

PASSIVE (*pass'-iv*). Inactive; submissive; permissive.

PATENT (*pat'-ent*). Open; manifest. A grant of public lands to an individual. The grant to an inventor for a term of years of the exclusive right to make, use, and sell his invention.

PATENT AMBIGUITY (*pat'-ent am-bi-gu'-i-te*). An uncertainty of meaning evident from the mere reading or inspection of an instrument.

PATENT OFFICE (*pa'-tent off'-is*). The government office where patents are issued to inventors.

PATENTEE (*pat-en-tee'*). The one who receives a patent or to whom letters patent are issued by the government.

PATER (*pay'-ter*). Father.

PATERFAMILIAS (*pay-ter-fa-mil'-i-as*). The head of a family.

PATERNAL (*pa-ter'-nal*). Relating to or emanating from a father.

PATERNITY (*pa-ter'-ni-te*). Fatherhood; the status of a parent.

PATRIMONIAL (*pat-ri-mo'-ne-al*). Pertaining to property inherited from paternal ancestors.

PATRIMONY (*pat'-ri-mo-ne*). Property inherited from a paternal ancestor.

PAUPER (*paw'-per*). A public charge; one so poor and destitute as to require public aid to exist.

PAWN (*pawn*). A pledge; a bailment of goods as security for a debt.

PAWNBROKER (*pawn'-bro-ker*). A person who makes a business of lending money on the security of personal property left in pawn with him.

PAY (*pay*). Compensation for personal services. To discharge a debt.

PAYABLE (*pay'-a-bl*). Capable of being paid; due and enforceable.

PAYEE (*pay-ee'*). The person in whose favor a bill of exchange is drawn.

PAYMENT (*pay'-ment*). The discharge of a debt or obligation.

PAYMENT INTO COURT (*pay'-ment into kort*). The deposit of a sum of money with the court to await its final adjudication.

PECULATION (*pek-u-lay'-shun*). The unlawful appropriation by one of money or property entrusted to his care by another.

PECUNIARY (*pe-ku'-ni-ar-re*). Pertaining to money; consisting of money or that which can be valued in terms of money.

PEDIGREE (*ped'-i-gree*). Descent; a succession or line of ancestors from which a person descends.

PEERS (*peers*). A person's equals in rank. Where no ranks exist, ordinary citizens are the peers of everyone.

PENAL (*pee'-nal*). Punishable; denoting punishment imposed by a state for a crime.

PENAL ACTION (*pee'-nal ak'-shun*). An action, either civil or criminal, to enforce a penalty or punishment imposed by law.

PENAL CLAUSE (*pee'-nal klawse*). A clause in a statute or contract declaring the penalty for violation of preceding clauses.

PENAL FARM (*pee'-nal farm*). A state institution to which offenders of less important crimes and misdemeanors may be sent for correction.

PENAL STATUTE (*pee'-nal stat'-ute*). One imposing a penalty or punishment for violation thereof.

PENALTY (*pen'-al-tee*). A deprivation of property or right or the exaction of money as punishment for the non-performance of a promised act or performance of an unlawful act.

PENDENTE LITE (*pen-den'-te lye'-tee*). During the pendency of a suit or action.

PENDING (*pen'-ding*). Undetermined; in process of settlement.

PENITENTIARY (*pen-i-ten'-sha-re*). A prison; a place of confinement and punishment for convicts.

PENSION (*pen'-shun*). A sum of money paid regularly to an individual or his representatives by the government or a private organization for valuable services performed for the country or organization in the past.

PEONAGE (*pee'-on-aj*). Enforced servitude, based upon indebtedness of one to another, the latter being

entitled to the service of the other as long as the debt continues.

PEOPLE (*pee'-pl*). The persons collectively making up a state or nation.

PEPPERCORN (*pep'-er-korn*). A nominal or the least valuable consideration to make a contract effective.

PER (*per*). By; through; by means of.

PER ANNUM (*per an'-num*). By the year.

PER AUTRE VIE (*per o'-tre vee*). For another's life; for such period of time as another person may live.

PER CAPITA (*per ka'-pi-ta*). By the heads; equally, share and share alike; the opposite of *per stirpes*.

PER CURIAM (*per ku'-ri-am*). By the court, as a whole, rather than a single judge.

PER DIEM (*per dye'-em*). By the day. Pay for a day's work.

PER SE (*per see*). By himself or itself; in itself; taken alone.

PER STIRPES (*per ster'-pee-z*). By or according to root or parentage; by right or representation, that is, in case of descent, by children taking the share a parent would have taken if living.

PERCOLATING WATERS (*per-ko-lay'-ting wau'-ters*). Water running or oozing through soil underneath the surface in no regular channel or defined course.

PEREMPTORY (*per-emp'-tor-re*). Final; absolute; conclusive; demanding immediate consideration.

PEREMPTORY CHALLENGE (*per-emp'-tor-re chal'-enj*). The absolute right to exclude a juror for no particular reason, which right is given to the defense in a

criminal case for a restricted number of times.

PERFORM (*per-form'*). To complete or discharge one's obligation.

PERFORMANCE (*per-form'-anse*). The act of doing something; the fulfillment of one's promise or obligation.

PERJURY (*per'-joo-re*). The wilful stating, under oath, of matter which is untrue.

PERMISSION (*per-mish'-on*). Leave, license, or authority to do a thing.

PERMISSIVE (*per-miss'-iv*). Allowable; that which is permitted to be done.

PERMISSIVE WASTE (*per-miss'-iv waste*). Waste which results from omission of a party to act in prevention of it, as permitting a house to deteriorate for want of proper repair.

PERMIT (*per-mit'*). To allow, consent, suffer, tolerate, or authorize.

PERMIT (*per'-mit*). A license or written instrument authorizing an act ordinarily forbidden.

PERPETRATOR (*per'-pe-tray-tor*). The one who actually commits a crime or tort; a principal in the first degree, as distinguished from an accessory.

PERPETUAL (*per-pet'-u-al*). Eternal; lasting forever; continuous; without interruption.

PERPETUAL INJUNCTION (*per-pet'-u-al in-jungk'-shun*). An injunction which continues indefinitely and which is only ordered after final determination of the cause.

PERPETUAL SUCCESSION (*per-pet'-u-al suk-sesh'-on*). The unique characteristic of a corporation by

which its existence as a legal entity continues indefinitely even though the individual members of the corporation are subject to change.

PERPETUATING TESTIMONY (*per-per'-u-ate-ing tes'-ti-mo-ne*). A right afforded by statute to reduce to a written record the testimony of witnesses who may not be available later to testify in person, so that their testimony may be used in a subsequent proceeding.

PERPETUITY (*per-pe-tu'-i-te*). A grant of property with such limitation as renders the property inalienable beyond the period allowed by law, which under common law is a period consisting of a life or lives in being plus 21 years beyond such life or lives.

PERQUISITES (*per'-kwi-zits*). The incidental profits, other than salary or customary fees, accruing to one by reason of the office held.

PERSON (*per'-son*). A natural being, as a man, or an artificial being, as a corporation.

PERSONAL (*per'-son-al*). Relating to or belonging to an individual.

PERSONAL ACTION (*per'-son-al ak'-shun*). An action to recover personal property, damages for breach of contract, or damages for injury to personal property or to the person.

PERSONAL PROPERTY (*per'-son-al prop'-er-te*). Money, chattels, choses in action, evidences of debt, movable things, and any right or interest in realty less than a freehold.

PERSONAL REPRESENTATIVE (*per'-son-al rep-rezen'-ta-tiv*). The executor or administrator of a person deceased.

PERSONAL SERVICE (*per'-son-al ser'-vis*). The de-

livery of a summons or a writ to the person named therein in person.

PERSONALTY (*per'-son-al-te*). That which consists of personal property rather than real property.

PERTINENT (*per'-ti-nent*). Relevant; applicable to the issue in dispute.

PETIT (*pet'-e*). Small; little; petty; of minor importance.

PETIT JURY (*pet'-e joo'-re*). A trial jury as distinguished from the grand (large) jury.

PETIT LARCENY (*pet'-e lar'-sen-ne*). (Also known as petty larceny.) Larceny in which the value of the property taken is only nominal. If over a certain amount, it is considered grand larceny.

PETIT TREASON (*pet'-e tree'-zon*). The killing of a master by his servant, a husband by his wife, or a religious superior by one of lower rank—all breaches of allegiance of a private or domestic nature, as distinguished from high treason, in which the allegiance is of a public nature.

PETITION (*pe-tish'-on*). A written application to one in authority for the grant of a favor or privilege. The initial pleading, as a declaration, in a court action.

PETITION DE DROIT (*pe-tish'-on de drwa*). A petition of right, used to recover property in the possession of the crown.

PETITORY ACTION OR SUIT (*pet'-i-tor-re ak'-shun or sute*). One in which the title only is in issue rather than the possession.

PIRACY (*pye'-ra-see*). The offense of robbery committed on the high seas. Plagiarism or the infringement of a copyright.

PLACER CLAIM (*play'-ser klame*). A mining claim consisting of ground within certain defined boundaries of the public domain containing valuable deposits in place, that is, not fixed in rock but instead loosely mixed in with the sand, earth or gravel.

PLACER MINES (*play'-ser mines*). Those in which the minerals are part of the earth, sand, or gravel making up the ground, rather than a part of rock.

PLAGIARISM (*play'-ji-a-rizm*). The appropriation of the literary work of another, in whole or in part, and publishing it as one's own.

PLAINTIFF (*plane'-tiff*). The person who brings an action; the one who makes complaint.

PLAINTIFF IN ERROR (*plain'-tiff in err'-or*). The party who is dissatisfied with the verdict of a court and prosecutes a writ of error in a higher court.

PLEA (*plee*). A pleading; any one of the series of pleadings; the defendant's answer to the plaintiff's declaration, setting up matters of fact rather than of law.

PLEADING (*plee'-ding*). The stating in legal form and in proper order the facts which make up the plaintiff's cause of action or defendant's ground of defense.

PLEAS OF THE CROWN (*plees of the kroun*). Criminal causes, so called because the sovereign is the person injured by a wrong done to the community.

PLEDGE (*plej*). A bailment of personal property as security for a debt or undertaking. The pawn or property given as security.

PLEDGEE (*ple-jee'*). The one to whom the property is given in a pledge.

PLEDGOR (*plej'-or*). The one making a pledge.

PLENARY (*plee'-na-re*). Full; complete; formal.

POLICE POWER (*po-leese' pou'-er*). The right existing in a state to restrict persons or the use of property in any way to promote the comfort, health, welfare, and safety of the people generally.

POLICY (*pol'-i-see*). The fundamental purpose or principle by which a government, organization, or person is guided in his or its relations with others. The instrument expressing the contract of insurance entered into against some risk, peril, or contingency.

POLITICAL (*po-lit'-i-kal*). Pertaining to the management of affairs of state.

POLL (*pole*). A head; a list or register of individuals who may vote at an election. To single out each juror separately and examine him as to his concurrence in the verdict given.

POLL-TAX (*pole taks*). A tax assessed on every head, that is, every person of a certain class without reference to his property.

POSITIVE (*poz'-i-tiv*). Absolute; certain; express.

POSITIVE CONDITION (*poz'-i-tiv kon-dish'-on*). A condition which must happen in order to be effective.

POSITIVE EVIDENCE (*poz'-i-tiv ev'-i-dense*). Direct proof of a matter at issue, as testimony of an eye-witness, for example, as opposed to circumstantial evidence.

POSITIVE FRAUD (*poz'-i-tiv frawd*). Actual fraud, namely intentional deception, rather than constructive fraud.

POSITIVE LAW (*poz'-i-tiv law*). Law actually enacted or recognized as a controlling force rather than natural law, which comprises such forces of justice and right

as are universally recognized by all.

POSSESSED (*po-zest'*). The physical control of a thing or the right to such control and ownership.

POSSESSION (*po-zesh'-on*). The dominion, control, and custody of anything which may be the subject of property by one for his own use and enjoyment.

POSSESSOR (*po-zess'-or*). The one who holds a thing in his custody.

POSSIBILITY (*pos-i-bil'-i-te*). An uncertainty. A contingent interest, in the nature of an expectancy, in real or personal estate.

POST (*poste*). After. A place where military troops are permanently stationed.

POST DIEM (*poste dye'-em*). After the day.

POST LITEM MOTAM (*poste lye'-tem moe'-tam*). After the commencement of the suit.

POST MORTEM (*poste mor'-tem*). After death. An examination of a corpse to ascertain the cause of death.

POST-NUPTIAL (*poste nup'-shal*). After marriage.

POSTEA (*pose'-te-a*). Afterwards; a record of the proceedings in a case after it is ready for trial.

POSTERIORITY (*pos-te-re-or'-i-te*). Being or coming after; the correlative of priority, which means coming first or before.

POSTERITY (*pos-ter'-i-te*). All the descendants of a person in a direct line to the remotest generation.

POSTHUMOUS (*pos'-tu-mus*). Born after the death of its father.

POWER (*pou'-er*). The right or ability to do something.

POWER OF ATTORNEY (*pou'-er of a-ter'-nee*). An instrument giving one the right to act as agent or attorney for another.

PRACTICE (*prak'-tis*). The manner and method by which suits are conducted and tried in a court.

PRACTITIONER (*prak-tish'-on-er*). Anyone engaged in the practice of a profession.

PRAECIPE (*pres'-i-pee*). A written order to the clerk of a court to issue a summons or some other particular writ.

PRAYER (*prare*). That portion of a pleading which states the relief asked for.

PREAMBLE (*pre'-am-bl*). A statement at the beginning of a constitution or statute explaining the reason for enacting it and the purposes for which it is adopted.

PRECATORY (*prek'-a-tor-re*). Having the nature of a prayer, recommendation, or entreaty, rather than of command.

PRECATORY TRUST (*prek'-a-tor-re trust*). A trust created by a will by means of precatory words, such as "wish and request", "beseech", etc.

PRECEDENT (*pres'-e-dent*). Any legal instrument or decision which serves as a pattern for subsequent rulings or instruments of the same nature.

PREDOMINANT (*pre-dom'-i-nant*). Anything superior to another thing with which it is connected or can be compared.

PRE-EMPTION (*pre-emp'-shun*). The privilege given by the United States to settlers on public lands to cultivate and acquire title to them at a special price in preference to others.

- PREFERENCE** (*pref'-er-ense*). The act of an insolvent debtor when paying creditors to give one more favorable treatment than others.
- PREFERRED** (*pre-ferd'*). Given or entitled to a prior or superior claim of right as against another of like kind.
- PREFERRED CREDITOR** (*pre-ferd' kred'-i-tor*). A creditor who is paid before other creditors.
- PREFERRED STOCK** (*pre-ferd' stock*). Stock of a corporation having priority over other kinds in the distribution of profit.
- PREJUDICE** (*prej'-oo-dis*). Partiality; bias; preconceived opinion; a leaning towards one side of a cause for personal reasons rather than for honest belief.
- PRELIMINARY EXAMINATION** (*pre-lim'-i-nare-re ek-zam-i-nay'-shun*). The hearing given one accused of a crime by a magistrate to determine if the crime has been committed and if the evidence warrants the detention of the person and further proceedings against him.
- PRELIMINARY INJUNCTION** (*pre-lim'-i-nare-re in-jungk'-shun*). An injunction or order issued at any time before or during trial of a cause but before a final adjudication.
- PREMEDITATION** (*pre-med-i-tay'-shun*). The thinking of beforehand; the design formed to do some act, such as a crime.
- PREMISES** (*prem'-i-ses*). Facts or statements previously recited. The narrative part of a bill in equity, setting forth the essential grounds of complaint. A piece of land, building, or real estate.
- PREMIUM** (*pre'-mi-um*). A reward or prize for an act

done. The consideration paid by an insured to an insurer in a contract of insurance.

PREPENSE (*pre-pense'*). Premeditated; aforethought.

PREPONDERANCE OF EVIDENCE (*pre-pon'-der-
anse of ev'-i-dense*). Evidence of greater weight or more readily believed.

PREROGATIVE (*pre-rog'-a-tiv*). A power or will which is unfettered, that is, uncontrolled by any other will, such as that of a sovereign.

PREROGATIVE WRITS (*pre-rog'-a-tiv ritts*). Writs resulting from an exercise of the extraordinary power of the state and affecting the sovereignty of the state, its rights, or the liberties of its people.

PRESCRIBE (*pre-skribe'*). To point out; to direct; to lay down a rule or law. To claim or assert title to a thing because of long and continued use.

PRESCRIPTION (*pre-skrip'-shun*). A method of acquiring title to real property by long-continued enjoyment, an original grant thereby being presumed. A direction for the taking of medicine in treatment of disease or illness.

PRESENTMENT (*pre-zent'-ment*). An accusation of crime made by a grand jury from their own knowledge or from evidence furnished them by witnesses. The production of a bill of exchange to the party on whom it is drawn, or of a note to the person liable thereon, with the request that it be accepted or paid.

PRESENTS (*prez'-ents*). The instrument or writing then at hand. The words "these presents" refers to the instrument itself in which the words are used.

PRESUMPTION (*pre-zump'-shun*). That which may be taken for granted, as a result of reason or experience, without further proof.

PRESUMPTIVE EVIDENCE (*pre-zump'-tiv ev'-i-dense*). Evidence of a fact from which the existence of another fact may be inferred.

PRESUMPTIVE TITLE (*pre-zum'-tiv ty'tl*). Actual occupation of land by which title is presumed.

PRIMA FACIE (*prye'-ma fay'-shi-e*). At first sight; a fact presumed to be true until disproved.

PRIMA FACIE CASE (*pry'-ma fay'-shi-e kase*). One which is established by sufficient evidence, which can be overcome only by rebutting evidence produced by other party.

PRIMA FACIE EVIDENCE (*pry'-ma fay'-shi-e ev'-i-dense*). Evidence sufficient to establish a fact unless rebutted by contrary evidence.

PRIMARY (*pry'-mare-re*). First in time; principal; more important; chief.

PRIMARY BOYCOTT (*pry'-mare-re boy'-kott*). A principal or direct boycott, applying directly to the person boycotted and affecting the relationship only between him and the party instituting the boycott.

PRIMARY EVIDENCE (*pry'-mare-re ev'-i-dense*). The evidence which, under the circumstances, best proves the matter in question.

PRIMOGENITURE (*pry-mo-jen'-i-tur*). The right under the common law of the eldest son to succeed to the estate of his ancestor to the exclusion of younger sons.

PRINCIPAL (*prin'-si-pl*). Highest rank or importance. One in authority or who hires another to act for him. The amount of a debt exclusive of interest or other charges. The person primarily liable for a debt to secure which another person may become bound as

surety. The perpetrator of a crime as distinguished from an accessory.

PRINCIPLE (*prin'-si-pl*). A fundamental rule or doctrine, from which other rules may be developed.

PRIORITY (*pry-or'-i-te*). Precedence; the quality of being first in point of time.

PRISON (*prizz'-n*). A place or building used for the confinement of persons, either for punishment of a crime or for some other reason in the administration of justice.

PRISON BREAKING, or **BREACH** (*prizz'-n brake'-ing* or *breech*). The escape of a prisoner by his own force and violence from a place where he is lawfully detained.

PRISONER (*prizz'-ner*). A person deprived of his liberty and confined against his will.

PRIVATE (*prye'-vate*). Characteristic of individuals rather than of the public generally.

PRIVATE CARRIER (*prye'-vate kare'-i-er*). An ordinary bailee for hire, transporting goods for certain individuals and not for the public generally.

PRIVATE CORPORATION (*prye'-vate kor-po-ray'-shun*). A corporation created for individual gain and profit and having no public function.

PRIVATE INTERNATIONAL LAW (*prye'-vate in-ternash'-on-al law*). The law regulating the application by one state of the laws of another state in suits between private persons. Such branch of law is also known as Conflict of Laws.

PRIVIES (*priv'-eez*). Persons related to one another or having similar interests in an action or thing.

PRIVILEGE (*priv'-i-lej*). A peculiar advantage in some respect enjoyed by a person or some certain persons over the rest of the people.

PRIVITY (*priv' i-te*). Mutuality of interest. The relationship between people arising out of similar or successive rights to property, contract, or union of any kind.

PRIVITY OF CONTRACT (*priv'-i-te of kon'-trakt*). The relationship existing between two contracting parties in respect to such contract.

PRIVITY OF ESTATE (*priv'-i-te of es-tate'*). Mutual or successive relationship to the same rights of property, as the relationship of landlord and tenant.

PRIVITY OF POSSESSION (*priv'-i-te of po-zesh'-on*). The relationship between successive occupiers of land, the later one receiving possession directly from the prior one.

PRIVY (*priv'-ee*). One who has an interest in an action, matter, or thing.

PRIVY COUNCIL (*priv'-ee koun'-sil*). The chief council of the sovereign in England, made up of cabinet ministers and others chosen by the king or queen.

PRIVY SEAL (*priv'-ee seel*). A seal of the British government affixed to documents not requiring the great seal.

PRIVY VERDICT (*priv'-ee ver'-dikt*). A verdict by jury given privily or orally to the judge out of court and later affirmed in open court. The "sealed" verdict has now generally taken its place.

PRIZE (*prize*). An award given for winning some contest or achieving some particular undertaking. Property of an enemy captured on the high seas or

territorial waters of the enemy or captor, and property of neutrals captured similarly and confiscated as contraband of war.

PRIZE COURT (*prize kort*). A court having jurisdiction to determine the legality of prizes taken during war.

PRIZE MONEY (*prize mun'-ee*). The proceeds from the sale of a vessel captured in war.

PRO (*pro*). For; in consideration of; on behalf of; before.

PRO CONFESSO (*pro kon-fess'-o*). As confessed. A decree in equity based upon failure of defendant to appear or answer the complaint.

PRO FORMA (*pro for'-ma*). As a matter of form.

PRO INDIVISO (*pro in-di-vy'-so*). For an undivided part. The joint occupation and possession of lands as a whole.

PRO RATA (*pro ray'-ta*). According to a certain rate, percentage or proportion; proportionately.

PRO SE (*pro see*). For oneself; in one's own behalf.

PRO TANTO (*pro tan'-toe*). For so much; for as far as it goes.

PRO TEMPORE (*pro tem'-po-re*). For the time being; temporary.

PROBABILITY (*prob-a-bil'-i-te*). Likelihood; reasonable ground for belief.

PROBABLE (*prob'-a-bl*). Having the appearance of truth; apparently true but open to doubt.

PROBABLE CAUSE (*prob'-a-bl kawz*). A reasonable and sincere belief in the existence of facts which war-

rant a cause of action or legal proceedings.

PROBATE (*pro'-bate*). Relating to proof; relating to proof of wills, as the word has commonly come to be known now. Any matter coming within the jurisdiction of a probate court.

PROBATE COURT (*pro'-bate kort*). A special court for proving wills and administering the estates of deceased persons either with or without wills.

PROBATE DUTY (*pro'-bate du'-te*). A tax upon the transfer of property by a deceased person; an estate tax.

PROBATIVE FACT (*pro'-ba-tiv fakt*). An evidentiary fact which actually does prove an ultimate fact or the fact sought.

PROCEDENDO (*pro-se-den'-doe*). The writ by which a cause is returned from a superior court to an inferior court, whence it came, for further proceedings.

PROCEDURE (*pro-see'-dyur*). That part of law which deals with the method or mechanism by which the legal system is conducted. Such subjects as pleading, practice, and evidence relate to the method of conducting litigation.

PROCEEDING (*pro-seed'-ing*). The manner of carrying on a legal suit.

PROCEEDS (*pro'-seeds*). Money or other articles of value obtained through the sale of property.

PROCESS (*pros'-es*). The writ by which a person is brought into court or compelled to obey its order. The method of operation or procedure by which a result or effect is produced.

PROCLAMATION (*prok-la-may'-shun*). A notice given to the public generally by the sovereign power.

- PROCTOR** (*prok'-tor*). One appointed to handle the affairs of another, usually in admiralty and ecclesiastical matters.
- PROCURATION** (*prok-u-ray'-shun*). Agency; proxy; a letter of attorney; the act by which one person gives another the power to act for him.
- PRODUCE** (*prod'-use*). The product of natural growth, labor, or capital.
- PRODUCE** (*pro-duse'*). To bring into view or exhibit. To manufacture, make, originate, or yield.
- PROFERT** (*pro'-fert*). An offer made by a party in his pleadings or orally during the course of a trial to produce documents upon which his claim is based.
- PROFIT** (*prof'-it*). The excess of receipts over expenditures; net gain.
- PROFIT A PRENDRE** (*prof'-it ah pron'-druh*). An interest in an estate, including the right to take part of the soil, minerals, or produce of the land.
- PROHIBITION** (*pro-hi-bish'-on*). Order of restraint; interdiction; the name of a writ designed to restrain a court from proceeding in a matter over which it does not have jurisdiction.
- PROLIXITY** (*pro-lik'-si-te*). The injection of superfluous and unnecessary facts in a pleading.
- PROLONGATION** (*pro-long-gay'-shun*). A lengthening, usually referring to the time in which something is to be done.
- PROMISE** (*prom'-is*). To pledge oneself; to engage to do something. A declaration or agreement to do or not to do some specific act.
- PROMISEE** (*prom-i-see'*). The person to whom a promise is made.

PROMISOR (*prom'-i-sor*). The person who makes a promise.

PROMISSORY NOTE (*prom'-i-sor-re note*). A written promise to pay another a certain sum of money at some fixed or certain time.

PROMOTERS (*pro-mo'-terz*). The persons who are influential in organizing a corporation or some business venture.

PROMULGATION (*pro-mul-gay'-shun*). Making something known; notification to the public of the passage and execution of a law.

PROOF (*proof*). The demonstration by proper evidence of a matter that previously was doubtful.

PROPERTY (*prop'-er-tee*). Such tangible or intangible things which a man may own and which possess value, or the right and interest which one may have in them.

PROPERTY IN CUSTODIA LEGIS (*prop'-er-tee in kus-toe'-di-a lee'-jis*). Property in the custody of the law or under the jurisdiction of a court.

PROPINQUITY (*pro-ping'-kwi-tee*). Relationship; parentage; kindred; consanguinity.

PROPOSAL (*pro-poe'-zal*). An offer. The thing or proposition offered.

PROPRIA PERSONA (*pro'-pre-a per-so'-na*). In his own person.

PROPRIETARY (*pro-pry'-e-tare-re*). Belonging to or relating to a proprietor or owner.

PROPRIETOR (*pro-pry'-e-tor*). The owner; the one who has the legal right and title to anything.

PROPTER (*prop'-ter*). On account of; by reason of; because of.

PROROGATION (*pro-ro-gay'-shun*). Prolongation; putting off to another time.

PROSECUTE (*pross'-e-kute*). To follow up by appropriate means to a conclusion; to proceed against a person by judicial action.

PROSECUTION (*pross-e-ku'-shun*). A criminal proceeding or the means by which an offender is brought to justice. The government, state, or person conducting a criminal trial. It may also refer to the course of a civil action.

PROSECUTOR (*pross'-e-ku-tor*). The one who instigates the action or the one who conducts a criminal action in the name of the government.

PROSEQUI (*pro'-se-kwy*). To follow up; to prosecute.

PROTEST (*pro'-test*). A formal notice of non-payment or non-acceptance of a note or bill of exchange. A declaration of non-assent or disapproval of some act required of one or of action taken by others.

PROTESTATION (*prot-es-tay'-shun*). A manner of pleading by which a fact is neither affirmed nor denied.

PROTHONOTARY (*pro-thon'-o-tare-re*). The clerk of a court, as he is called in some jurisdictions.

PROTOCOL (*pro'-to-kol*). A record or register of the happenings of a meeting or conference. A preliminary draft of a treaty or diplomatic transaction.

PROVE (*proov*). To make certain; to establish by evidence.

PROVISIONAL (*pro-vizh'-on-al*). Temporary; tentative; for the time being; for the present occasion.

PROVISO (*pro-vy'-zo*). A qualification or limitation to

the operation of some clause or part of a statute or other instrument.

PROVOCATION (*prov-o-kay'-shun*). Such words or conduct by one as to incite another to do some illegal act against the former.

PROVOKE (*pro-voke'*). To excite; to arouse, to create anger in another.

PROXIMATE (*prok'-si-mate*). Next to; immediate; direct. Close in relation to cause and effect.

PROXIMATE CAUSE (*prok'-si-mate kawz*). The efficient cause—the one which possibly sets other causes in motion and is responsible for a particular result.

PROXIMITY (*prok-sim'-i-tee*). Nearness; relationship; kinship.

PROXY (*prok'-see*). A person appointed by another to act for him. The instrument by which such appointment is made.

PUBLIC (*pub'-lik*). The people as a whole of a state or of a smaller community. Pertaining to the people as a whole. Open to all; notorious.

PUBLIC ADMINISTRATOR (*pub'-lik ad-min'-is-tray-tor*). The person who administers the estate of a deceased person when there are no relatives.

PUBLIC CHARITY (*pub'-lik chare'-i-tee*). A gift or charity so indefinite in its object or for the benefit of so large a class as to be deemed for the benefit of the public generally.

PUBLIC CORPORATION (*pub'-lik kor-po-ray'-shun*). A corporation created for public purposes, such as a city, school district, welfare organization, etc., to aid in the administration of civic affairs.

PUBLIC DEBT (*pub'-lik det*). The debts and obligations of the government.

PUBLIC DOMAIN (*pub' lik doe-mane'*). The public lands of the government.

PUBLIC ENEMY (*pub'-lik en'-e-me*). A nation or citizen or subject of such nation with which another nation is at war.

PUBLIC HIGHWAY (*pub'-lik hy'-way*). A way for general travel under the control of and kept by the public.

PUBLIC HOUSE (*pub'-lik house*). A house open to the public for business, religion, or pleasure, or one by the nature of whose business, such as an inn, must accommodate the public generally.

PUBLIC INTERNATIONAL LAW (*pub'-lik in-ternash'-on-al law*). The law which regulates the political relations between different nations.

PUBLIC LANDS (*pub'-lik lands*). Lands belonging to the United States, subject to sale under general laws and not reserved for governmental purposes.

PUBLIC POLICY (*pub'-lik pol'-i-see*). The theory that no one can do anything that is injurious to the public welfare.

PUBLIC SERVICE (*pub'-lik ser'-vis*). The object of a certain kind of corporation which furnishes a need or provides a service to the public generally, such as a gas, water, or electric light company.

PUBLIC USE (*pub'-lik use*). A use or enjoyment by a whole community rather than by one individual.

PUBLIC UTILITY (*pub'-lik u-til'-i-tee*). A business which sells a commodity or renders a service that is required by the public generally.

PUBLIC WRONGS (*pub'-lik rawngs*). Violations of rights and duties affecting the entire community; crimes and misdemeanors.

PUBLICATION (*pub-li-kay'-shun*). The act by which a thing is published or made known to the public.

PUBLISH (*pub'-lish*). To make known to the public generally; to issue; to put into circulation.

PUIS (*pwis*). Afterwards; since.

PUIS DARREIN CONTINUANCE (*pwis dar'-an kon-tin'-u-anse*). Since the last continuance. A plea made after issue has been joined for the purpose of introducing new matter coming to the knowledge of the party subsequent to the joinder.

PUISSANCE (*pu'-i-sanse*). Power; authority.

PUNISHMENT (*pun'-ish-ment*). The penalty inflicted by authority for the transgression of the law.

PUNITIVE (*pu'-ni-tiv*). Relating to punishment; having the effect of inflicting a penalty or punishment; vindictive.

PUR AUTRE VIE (*poor o'-ter vee*). For or during the life of another.

PURCHASE (*per'-chas*). The acquisition of property by any method other than by descent.

PURCHASE-MONEY (*per'-chas mun'-ee*). The consideration in money which is paid or agreed to be paid for the purchase of anything.

PURCHASER (*per'-chas-er*). A buyer; the one who purchases property.

PURGATION (*per-gay'-shun*). The clearing oneself of a criminal charge by denial under oath or by the testimony of others who swear to his innocence.

PURPORT (*per'-port*). The meaning or import of an instrument as appears from a reading of it.

PURVIEW (*per'-vu*). The design, purpose, and actual scope of a statute; that part of a statute commencing with "Be it enacted" and continuing to the repealing clause.

PUTATIVE (*pu'-ta-tiv*). Supposed; assumed; believed; reputed.

PUTATIVE MARRIAGE (*pu'-ta-tiv mare'-aj*). A marriage contracted in good faith and believed to exist by one or both of the parties but which actually is invalid.

Q

QUA (*kwa*). As; in what manner, office, or role.

QUAERE (*kwe'-re*). Query; doubt; question.

QUAESTIO (*kwest'-she-o*). An inquest or the tribunal empowered to investigate a crime.

QUALIFIED (*kwol'-i-fide*). Fitting; competent; capable. Limited, restricted; imperfect.

QUALIFIED ACCEPTANCE (*kwol'-i-fide ak-sep'-tanse*). An acceptance that is conditional or one that modifies the terms, thus being no acceptance at all.

QUALIFIED FEE (*kwol'-i-fide fee*). An estate which may end upon the happening of an event. Also called a determinable fee.

QUALIFIED INDORSEMENT (*kwol'-i-fide in-dors'-ment*). An indorsement of a negotiable instrument restricting the liability of the indorser, as in the case of "without recourse".

QUAMDIU (*kwom'-di-u*). As long as; so long as; until.

QUANTUM (*kwon'-tum*). How much; the whole quantity; an aggregate.

QUANTUM MERUIT (*kwon'-tum mare'-roo-it*). As much as he has deserved. The common count in an action of assumpsit for work and labor, based on an implied promise to pay as much as ~~the~~ other deserves for his work.

QUANTUM VALEBANT (*kwon'-tum va-lee'-bant*). As much as it was worth. The common count in an action of assumpsit for goods sold and delivered when no price has been mentioned and it is implied that the buyer pay what the goods are worth.

QUARE (*kway'-re*). Wherefore; why; for what reason; because.

QUARE CLAUSUM FREGIT (*kway'-re klaw'-sum free'-jit*). Because he broke the close—the technical term for the action of trespass, seeking to recover damages for an unlawful entry upon another's land.

QUASH (*kwosh*). To make void; to annul; to dismiss.

QUASI (*kway'-sy*). Analogous to; as if; almost; relating to or having resemblance of.

QUASI-CONTRACT (*kway'-sy kon'-trakt*). A contract implied in law, that is, one in which the obligation arises as a result of legal implications from the facts or circumstances rather than as a result of an agreement or the intention of the parties.

QUASI-CORPORATION (*kway'-sy kor-po-ray'-shun*). A political body, such as a county, which is not incorporated as such, yet in some respects acts as an incorporated body.

QUASI-CRIME (*kway'-sy krime*). A wrong done to the public that may not be quite an indictable offense.

QUASI-DELICT (*kway'-sy de-lik't*). An accidental tort —one without malice or intent to injure.

QUASI-JUDICIAL (*kway'-sy joo-dish'-al*). Such judicial matters or questions requiring judgment and discretion which some executive or administrative official may decide.

QUASI-MUNICIPAL CORPORATION (*kway'-sy munis'-i-pal kor-po-ray'-shun*). A division of the state, as a county or township, as distinguished from a city which is actually incorporated as such.

QUASI-PUBLIC CORPORATION (*kway'-sy pub'-lik kor-po-ray'-shun*). A public service corporation; a private corporation organized for a purpose which is of a public nature.

QUA SUPRA (*kway su'-pra*). As appears above.

QUESTION (*kwes'-chon*). A problem or a matter subject to debate or controversy. An interrogation put to a witness as to the truth or falsity of a matter.

QUID PRO QUO (*kwid pro kwo*). What for what. The consideration of a contract.

QUIT-CLAIM (*kwit'-klame*). A form of deed, conveying property by way of release, thus passing the title and interest of the grantor but making no warranty as to the validity of the title.

QUIT-RENT (*kwit'-rent*). A rent paid by the tenant of a freehold, discharging him from any other rent or service.

QUO ANIMO (*kwo an'-i-mo*). With what intention. The intent or purpose.

QUO WARRANTO (*kwo wo-ran'-toe*). By what authority. An extraordinary remedy and proceeding by

information to prevent one from usurping an office or using a franchise or privilege that is not rightfully his.

QUOAD (*kwo'-ad*). As to; as far as; until.

QUOAD HOC (*kwo'-ad hok*). As to this; with respect to this; as far as this matter is concerned.

QUOD CUM (*kwod kum*). For that whereas—words used in a pleading to introduce explanatory matters as to the nature of a claim in assumpsit and case.

QUOD VIDE (*kwod vy'-dee*). (Abbreviated to q.v.) Which see, meaning a reference to another part of the book or some other book.

QUORUM (*kwo'-rum*). A majority of an entire body. Such a number of the members of a body as is competent to transact the business of the body in the absence of the other members.

R

RAPE (*rape*). The ravishing of a woman, married or not, against her will, both before and after.

RATE (*rate*). An evaluation or assessment of property for tax purposes. A charge for transportation. A proportion or standard for measuring values.

RATE OF EXCHANGE (*rate of eks-chanje'*). The value of money of one country expressed in terms of that of another country.

RATE OF INTEREST (*rate of in'-ter-est*). The proportion or ratio between the principal amount and interest.

RATIFICATION (*rat-i-fi-kay'-shun*). The adoption of the act of another or the confirmation of a previous act of the party himself, the latter thereby receiving

the benefits or obligations of the original act.

RATIO DECIDENDI (*ray'-she-o des-i-den'-dy*). The reason for deciding; the grounds for the decision.

RATIO LEGIS (*ray'-she-o lee'-jis*). The reason for a law; the occasion of making a law.

RATIONAL (*rash'-on-al*). Capable of reasoning; sane.

RAVISH (*rav'-ish*). To rape; to have carnal knowledge of a woman against her will.

RE (*ree*). In regard to; in the matter of; in the case of.

REAL (*ree'-l*). Relating to land rather than personal property.

REAL ACTION (*ree'-l ak'-shun*). An action brought for the specific recovery of lands, tenements, and hereditaments.

REAL ESTATE (*ree'-l es-tate'*). Landed property or the interest one has in such.

REAL EVIDENCE (*ree'-l ev'-i-dense*). Evidence consisting of things themselves, available for inspection, as distinguished from the testimony of witnesses.

REAL INJURY (*ree'-l in'-joo-re*). An injury caused by an act rather than by words.

REAL PROPERTY (*ree'-l prop'-er-tee*). Land and whatever is growing upon or affixed to it, as well as such rights and interests relating to such property.

REALTY (*re'-al-te*). Real property or whatever has the character of real property.

REASONABLE (*re'-zon-a-bl*). Rational; proper; consistent with reason or good sense.

REBELLION (*re-bell'-yon*). Forcible resistance to the laws and operation of the government with the inten-

tion to overthrow such government.

REBUT (*re-but'*). To deny; to contradict; to overcome by weight of evidence.

REBUTTAL (*re-but'-al*). Evidence that tends to explain or disprove matter presented by another party. The stage of the proceedings when such evidence may be produced.

REBUTTER (*re-but'-er*). A pleading of defendant in reply to surrejoinder of plaintiff.

RECALL (*re-kawl'*). To set aside; to nullify; to remove from office.

RECALL OF WITNESS (*re-kawl' of wit'-ness*). The calling back of a witness who has completed his testimony for further examination.

RECAPTION (*re-kap'-shun*). The regaining by peaceable means of the rightful custody of a person or of the possession of real or personal property of which the owner may have been wrongfully deprived.

RECEIPT (*re-seet'*). Act of receiving; that which is received. A written acknowledgment of payment of money or delivery of goods.

RECEIVER (*re-see'-ver*). An officer appointed by a court to receive property or a fund which may be the subject matter of a dispute or litigation, preserve it, and dispose of it as directed by the court.

RECEIVER PENDENTE LITE (*re-see'-ver pen-den'-te ly'-te*). The person appointed to take charge of a fund or property while the litigation concerning it is pending or while the case is undecided.

RECEIVER'S CERTIFICATE (*re-see'-vers ser-tif'-i-kate*). A certificate or acknowledgment of indebtedness by a receiver, issued under order of court, and

made a first lien on the property for which the indebtedness is incurred.

RECEIVING STOLEN GOODS (*re-see'-ving sto'-len goodz*). The offense of receiving or accepting from another property with the knowledge that it has been stolen, embezzled, extorted, or otherwise feloniously obtained.

RECESS (*re-sess'*). A time in which a court is not actually engaged in business. An interruption, not amounting to an adjournment, of a meeting.

RECIPROCAL (*re-sip'-ro-kal*). Mutual.

RECIPROCITY (*re-si-pros'-i-te*). Mutuality. The giving by one state to another the same privileges which the latter gives to the former.

RECKLESSNESS (*rek'-less-ness*). Negligence; an indifference to the rights of others.

RECLAIM (*re-klame'*). To claim or demand the return of a thing. To domesticate a wild animal. To make unusable land fit for cultivation and habitation.

RECOGNITION (*re-kog-nish'-on*). Ratification; an acknowledgment by one that an act done by another was done for the former.

RECOGNIZANCE (*re-kog'-ni-zanse*). An obligation, in the nature of a bond, entered into before some court, to assure the court of performance of some specified condition.

RECOGNIZE (*rek'-og-nize*). To ratify. To examine or look into the truth of a matter. To become bound by a recognizance.

RECOMMIT (*re-ko-mit'*). To commit a person to confinement for the second time.

RECOMPENSE (*rek'-om-pense*). Remuneration or compensation for services or property.

RECORD (*rek'-ord*). A written account or memorandum of what has been done or said.

RECORD (*re-kord'*). To commit to writing or to preserve the history of a series of acts so that a permanent memorial exists as to the matter involved.

RECORDER (*re-kor'-der*). An officer, appointed to keep public records and to copy therein the deeds and other instruments entitled by law to be recorded.

RECORDING ACTS (*re-kor'-ding akts*). Statutes which regulate the official recording of deeds, mortgages, and other instruments and state its effect on interested parties.

RECOUPMENT (*re-koop'-ment*). The act of abating or reducing damages or part of a claim on which one is sued, by reason of a legal or equitable right arising out of the same transaction on which the original claim is made.

RECOURSE (*re-korse'*). The right to proceed against one who is secondarily liable after the one primarily liable has defaulted.

RECOVER (*re-kuv'-er*). To regain; to win back. To succeed in an action or law suit.

RECOVERY (*re-kuv'-er-re*). The recovery of a debt or vindication of a right by course of law.

RECRIMINATION (*re-krim-i-nay'-shun*). The defense in divorce proceedings of equal guilt on the part of the plaintiff.

REDDENDUM (*re-den'-dum*). The technical name for a clause in a deed or conveyance creating or reserving

to the grantor some new thing for himself out of that which he has granted.

REDEEM (*re-deem'*). To regain mortgaged property by paying what is due.

REDEMPTION (*re-demp'-shun*). The buying back of one's property or defeating the original sale by repaying to the purchaser the amount paid for the property plus costs and interest.

REDRESS (*re-dress'*). Indemnity; satisfaction for a loss or injury sustained.

REDUCTIO AD ABSURDUM (*re-duk'-she-o ad ab-ser'-dum*). Proving an argument false by showing it leads to an absurdity.

REDUNDANCY (*re-dun'-dan-see*). The introducing into pleadings of matter foreign or unnecessary to the cause of action or defense, or matter needlessly repetitious of the evidence to bring about an issue.

RE-ENTRY (*re-en'-tree*). The act of regaining possession of lands in pursuance of a right reserved when the former possession was given up.

RE-EXAMINATION (*re-ek-zam-i-nay'-shun*). A second or new examination of a thing. The examination of a witness, after cross-examination.

REFEREE (*ref-er-ree'*). A person to whom a matter in dispute is referred for settlement. An officer of a court to whom a cause may be referred by such court, in order that he may hear the parties, take testimony, and report his finding to the court.

REFERENCE (*ref'-er-ense*). The act of referring a cause, pending in court, to a referee for his consideration and report. The advice of one as to the character, credit, or standing of another. An indication in written

matter or speech as to other matter of a similar nature or substantiation.

REFERENDUM (*ref-er-ren'-dum*). The practice of submitting existing or proposed legislation for final ratification or rejection to a vote of the whole body of citizens.

REFORM (*re-form'*). To correct; to amend; to reorganize. To rectify an instrument so that it conforms with the true agreement of the parties.

REFORMATION (*ref-or-may'-shun*). The remedy, granted by an equity court, to rectify an instrument which through fraud or mistake fails to show the true agreement of the parties. The movement by which the Protestants originally divorced themselves from the power of the Roman Catholic Church.

REGINA (*re-jine'-a*). The queen.

REGISTER (*rej'-is-ter*). A record book, containing an official record of certain acts as they occur. To enter in a register or to make an official record.

REGISTRY (*rej'-is-tre*). The official recording of an instrument. The book in which an official record is kept.

REGNAL YEARS (*reg'-nal yeres*). The duration of a sovereign's reign. The reigns of British kings and queens, which are used frequently to denote the making of English statutes and decisions, are listed below and constitute the regnal years of British sovereigns:

Sovereign	Accession to throne	Sovereign	Accession to throne
William I	1066	Mary and Phillip	1553
William II	1087	Elizabeth	1558
Henry I	1100	James I	1603

Sovereign	Accession to throne	Sovereign	Accession to throne
Stephen	1135	The Commonwealth	1649
Henry II	1154	Charles II	1649
Richard I	1189	(Restored to throne	
John	1199	actually in 1660)	
Henry III	1216	James II	1685
Edward I	1272	William & Mary	1689
Edward II	1307	William III	1695
Edward III	1326	Anne	1702
Richard II	1377	George I	1714
Henry IV	1399	George II	1727
Henry V	1413	George III	1760
Henry VI	1422	George IV	1820
Edward IV	1461	William IV	1830
Edward V	1483	Victoria	1837
Richard III	1483	Edward VII	1901
Henry VII	1485	George V	1910
Henry VIII	1509	Edward VIII	1936
Edward VI	1547	George VI	1936
Charles I	1625	Elizabeth II	1952

REGULAR (*reg'-u-lar*). Conformable to a rule; according to an established form, custom, or law; standard.

REGULATE (*reg'-u-late*). To subject to control by superior authority; to direct by rule or restriction.

REGULATION (*reg-u-lay'-shun*). The act of regulating. A rule or order by which a superior authority directs the action of those under its control.

REHEARING (*re-here'-ing*). A new or second hearing and consideration by a court of a case already heard by it, in order to correct a possible oversight of error in the first one.

REINSURANCE (*re-in-shure'-anse*). A contract of insurance between an insurer and a third party, designed

to protect the former against all or part of the risks he has assumed in a previous contract of insurance.

REJOINDER (*re-join'-der*). The answer by a defendant to the replication of the plaintiff. In common law pleading this is defendant's second pleading.

RELATOR (*re-lay'-tor*). The party at whose instance quo warranto or mandamus proceedings are instituted. He is theoretically the plaintiff, although the action is brought in the name of the state or attorney general on the relation of (ex rel.) the relator.

RELEASE (*re-leese'*). The giving up or relinquishment of a right or claim to one against whom it exists or may be enforced.

RELEASEE (*re-le-see'*). The person who is released or excused.

RELEASOR (*re-lee'-sor*). The person who makes a release and thereby releases another.

RELEVANCY (*rel'-e-van-se*). The legal relationship between evidence and the issue which the evidence is supposed to prove.

RELICITION (*re-lik'-shun*). An increase of the land due to the withdrawal or recession of water which previously covered it.

RELIEF (*re-leef'*). Under feudal law, the sum paid to a lord by a new tenant as fine or composition for taking up the estate. Assistance or support given to the needy. The assistance, benefit, or redress which a court gives a complainant.

RELINQUISHMENT (*re-ling'-kwish-ment*). The abandonment, renouncing, or giving up of some right.

RELOCATION (*re-lo-kay'-shun*). A new location of a

mining claim once abandoned or forfeited.

REMAINDER (*re-mane'-der*). The residue or remnant of an estate in land, to take effect and be enjoyed only after another prior estate, created at the same time and by the same instrument, has been determined.

REMAINDERMAN (*re-mane'-der-man*). One who is entitled to the remainder of the estate after an estate carved out of it has expired.

REMAND (*re-mand'*). To return or send back; to order a prisoner returned to custody; to send a cause back to the court from which it came for further proceedings.

REMEDIAL (*re-mee'-di-al*). Pertaining to redress or remedy; affording a remedy.

REMEDY (*rem'-e-de*). The means used to enforce a right or redress an injury.

REMISE (*re-mize'*). To release or give up. Usually appearing in the phrase “remise, release and quitclaim”—the effective words in the usual release or conveyance.

REMISSION (*re-mish'-on*). A release or pardon; the act by which a forfeiture or penalty is forgiven.

REMIT (*re-mit'*). To pardon; to annul a fine or forfeiture. To transmit or send money, check, or other thing in payment.

REMITTANCE (*re-mit'-anse*). Payment sent by one to another in the form of specie, check, or bill of exchange.

REMITTEE (*re-mit-ee'*). The person to whom the remittance is sent.

REMITTER (*re-mit'-er*). The person who sends the remittance.

REMITTITUR (*re-mit'-i-ter*). The act by which a plaintiff accepts less damages than those awarded by a jury, the excess being remitted or released. The act of returning the record to a previous court after a cause has been reversed or remanded by a higher court.

REMOTE (*re-mote'*). At a distance; not closely connected or associated with.

REMOVAL OF CAUSE (*re-moo'-val of kawze*). Change of venue; the transfer of a cause from one court to another, more commonly from a state court to a United States court.

RENT (*rent*). Compensation in one form or another paid the owner of lands for its use and possession.

RENT CHARGE (*rent charj*). A reservation in a grant, placing a charge upon the land for specific rent and authorizing the right to distrain to enforce payment.

RENT ROLL (*rent role*). A list of rents payable to a particular person or some public body.

RENT SECK (*rent seck*). A rent reserved as in the case of rent charge but without a clause to distrain.

RENT SERVICE (*rent ser'-vis*). A rent of monetary compensation but also including some physical service or at least fealty to the lord.

RENUNCIATION (*re-nun-si-ay'-shun*). The abandonment of a right.

REPARATION (*rep-a-ray'-shun*). Compensation or redress for an injury.

REPATRIATION (*re-pay-tre-ay'-shun*). The regaining of citizenship by a person.

REPEAL (*re-peel'*). To recall, revoke, or abrogate an existing law by a new legislative act.

- REPLEADER** (*re-plee'-der*). An order or judgment of a court, requiring the parties to plead anew from a certain point so that a better issue may be joined.
- REPLEVIN** (*re-plev'-in*). The name of the action by which the owner recovers the possession of personal chattels which were wrongfully taken from him.
- REPLEVIN BOND** (*re-plev'-in bond*). A bond required of the plaintiff in replevin proceedings, when the goods are taken from defendant, to indemnify the latter should the outcome of the proceedings be in his favor.
- REPLEVISOR** (*re-plev'-i-sor*). The plaintiff in replevin proceedings.
- REPLEVY** (*re-plev'-ee*). To regain the possession of personal chattels by the action of replevin.
- REPLIANT** (*re-ply'-ant*). A plaintiff who makes a replication—the answer to defendant's plea.
- REPLICATION** (*rep-li-kay'-shun*). The plaintiff's reply, answer or plea to defendant's plea or answer.
- REPLY** (*re-ply'*). The answer of plaintiff to defendant's defense.
- REPORT** (*re-port'*). A formal account or statement of facts upon some matter which the person making the report was required to investigate or administer. The word also refers to the printed account of a court case with the facts, decision, and opinion of the court given in considerable detail, the reports of all cases, mostly of higher courts, being gathered together in volumes, known as reports, and made available for reference use.
- REPRESENTATION** (*rep-re-zen-tay'-shun*). A statement of a fact, or actions implying the existence of such fact, made by one relative to the subject-matter

of a contract to induce another to enter into the contract. The method by which a person is put in the place of another and succeeds to the same rights and liabilities as the person represented.

REPRESENTATIVE (*rep-re-zen'-ta-tiv*). The person who represents or is put in the place of another, as an heir, who represents his ancestor.

REPRIEVE (*re-preve'*). The withdrawing of a sentence or a judgment of a court for a period of time, thus staying or postponing the execution of the sentence.

REPRISALS (*re-pry'-zals*). The forcible taking by one nation of a thing belonging to another nation, in return or satisfaction for an injury committed by the latter on the former.

REPUBLICATION (*re-pub-li-kay'-shun*). A second or new execution and publication of a will which was once revoked.

REPUGNANCY (*re-pug'-nan-see*). An inconsistency or opposition between statements in a pleading, contract, deed, or any instrument.

RES (*reez'*). The thing; the object or property involved in a suit; a matter.

RES GESTAE (*reez jes'-tee*). Things done. Words and acts so intimately connected with some main event as to be considered actually a part of it.

RES INTER ALIOS (*reez in'-ter a'-li-os*). The acts or transaction of others, such as strangers or third parties.

RES IPSA LOQUITUR (*reez ip'-sa lo'-kwi-ter*). The thing speaks for itself. A doctrine by which certain things are presumed to be true unless rebutted.

RES JUDICATA (*reez ju-di-kay'-ta*). A thing or matter

which has been definitely and finally decided by a court of competent jurisdiction.

RES NOVA (*reez no'-va*). A new matter; a question not previously decided.

RES NULLIUS (*reez nul'-i-us*). A thing which has no owner.

RESCIND (*re-sind'*). To annul, cancel, or abrogate.

RESCUE (*res'-ku*). The intentional and forcible freeing of another from arrest or imprisonment.

RESERVATION (*rez-er-vay'-shun*). A clause in an instrument of conveyance by which the grantor creates and reserves to himself some right or interest in the estate granted, which interest is a new one and not previously separated from the estate. Public lands not open for settlement or sale, reserved for public or governmental use.

RESIDENCE (*rez'-i-dense*). The place where one actually lives or is physically present as an inhabitant.

RESIDUARY (*re-zid'-u-ar-re*). Pertaining or relating to the residue.

RESIDUARY CLAUSE (*re-zid'-u-ar-re klawz*). The clause in a will which disposes of the residue after previous bequests and devises are satisfied.

RESIDUE (*rez'-i-du*). That which is left; that portion of the estate of a testator which remains after all debts and legacies have been taken care of.

RESIDUUM (*re-zid'-u-um*). The residue; what is left.

RESOLUTION (*rez-o-lu'-shun*). A formal statement as to the will or opinion of an assembly or official body, adopted by vote.

RESPONDEAT SUPERIOR (*re-spon'-de-at su-pe'-re-*

or). Let the superior respond—the maxim that the master or principal is answerable for the acts of his servant or agent.

RESPONDENT (*re-spon'-dent*). The defendant in an equity proceeding. The party who must answer an appeal in a higher court.

RESPONDENTIA (*res-pon-den'-she-a*). A loan of money secured by the cargo of a ship and conditioned on safe arrival at its destination.

RESTITUTION (*res-ti-tu'-shun*). Indemnification; restoration of anything to its rightful owner, or making good its loss or injury.

RESTRAIN (*re-strane'*). To restrict, confine, hinder, stay, hold back, prohibit.

RESTRAINING ORDER (*re-strane'-ing or'-der*). A temporary order in the nature of an injunction, prohibiting the doing of some act.

RESTRAINT (*re-straint'*). Hindrance; restriction of liberty; prohibition from action.

RESTRAINT OF MARRIAGE (*re-straint' of mare'-aj*). A condition in a grant, devise or contract restrictive of one's freedom to marry.

RESTRAINT OF TRADE (*re-straint' of trade*). Contracts or combinations which have for their purpose the fixing of prices, stifling of competition, or obstructing in any way the natural course of trade and commerce.

RESTRAINT ON ALIENATION (*re-straint' on ale-yen-ay'-shun*). A restriction on the power to alienate property.

RESTRICTED LANDS (*re-strik'-ted lands*). Lands al-

lotted to Indians, the alienation of which is restricted by Congress for the protection of the Indians.

RESTRICTIVE COVENANTS (*re-strik'-tive kuv'-e-nants*). Covenants in a deed restricting the use to which the land conveyed is to be used.

RESTRICTIVE INDORSEMENT (*re-strik'-tiv in-dors'-ment*). An indorsement restricting the further negotiation of the instrument, such as "for deposit".

RESULTING TRUST (*re-zul'-ting trust*). A trust constructed by law, not as a result of the agreement of the parties but rather as a result of the circumstances of the transaction, from which it is presumed a trust is intended.

RESULTING USE (*re-zul'-ting use*). A use constructed by law in the same way as for a resulting trust.

RETAINER (*re-tane'-er*). The employment of counsel or an attorney by a client. The preliminary fee which the client pays the attorney to secure the right to his services.

RETAINING LIEN (*re-tane'-ing lee'-en*). The attorney's lien for his professional services on whatever money, papers, documents, or other property belonging to his client comes into his possession.

RETORSION (*re-tor'-shun*). An act of retaliation, by which a government imposes duties or restrictions on the subjects of another government because of similiar measures imposed on its subjects by the latter.

RETRAXIT (*re-trak'-sit*). He has withdrawn. The technical term for the voluntary renunciation by the plaintiff in open court of his suit against defendant, thus barring all future actions of a like nature.

RETROACTIVE (*re-tro-ak'-tiv*). Retrospective; applying to things past.

RETROSPECTIVE (*ret-ro-spek'-tiv*). Looking backward; having reference to events in the past.

RETROSPECTIVE LAW (*ret-ro-spek'-tiv law*). A law which affects acts or rights which accrued before the law came into existence; a law impairing vested rights or attaching new rights or obligations to transactions already past.

RETURN (*re-tern'*). An official statement in writing by an officer as to how he has executed a writ, process, or other command from a superior authority.

RETURN DAY (*re-tern' day*). The day stated in a writ or process when the officer is required to return it and when the defendant must make appearance.

REVERSAL (*re-ver'-sal*). The decision of a superior court by which the judgment of an inferior court is annulled.

REVERSION (*re-ver'-shun*). The return of land to a grantor after the grant is over; the estate left in a grantor during the continuance of a particular estate granted by him; also, the residue left in grantor after the termination of a particular estate. A reversion differs from a remainder in that the latter arises only by will or deed while the former arises by operation of law only.

REVERSIONARY LEASE (*re-ver'-shun-ar-re lees*). One which takes effect in the future; a lease to commence after the expiration of an existing lease.

REVERSIONER (*re-ver'-shun-er*). A person entitled to a reversion.

REVERT (*re-vert'*). To return to; to go back.

REVERTER (*re-ver'-ter*). Reversion. Usually used in phrase "possibility of reverter", which is a reversionary

interest existing when a grant is so limited that it possibly will terminate.

REVEST (*re-vest'*). To put one again in the possession of property of which he was previously divested.

REVIEW (*re-vu'*). A new trial or re-examination of the issues, especially by an appellate court.

REVIVAL (*re-vy'-val*). The act of renewing the operative force of a debt, contract, judgment, will, or suit which previously had become inoperative.

REVOCATION (*rev-o-kay'-shun*). The recall or cancellation of a power or authority previously granted, or the annulment of a deed, will, or other existing instrument.

REWARD (*re-ward'*). A recompense or premium for some special service or achievement.

REX (*reks*). The king. The sovereign power. Criminal cases in England, during a king's reign, are entitled Rex v. ——— (the defendant).

RIDER (*ry'-der*). A writing or additional part of a document, subsequently added and made a part of it.

RIGHT (*rite*). A power, privilege, or legal claim. The correlative of obligation, as every right in one person produces a corresponding obligation on another.

RIGHT OF ACTION (*rite of ak'-shun*). A legal right to bring suit to enforce a debt or obligation.

RIGHT OF PRIVACY (*rite of pry'-va-see*). The right of a person to be let alone and free of unwarranted publicity.

RIGOR MORTIS (*rig'-or mor'-tis*). Rigor of death. The stiffening of the muscles and joints shortly after death.

RIOT (*ry'-ot*). A disturbance of the peace, occasioned

by three or more persons, unlawfully assembled, for the purpose of assisting each other in carrying out some common enterprise and executing such enterprise in a violent and turbulent manner.

RIPARIAN (*ry-pare'-i-an*). Belonging to or relating to the bank of a river.

ROBBERY (*rob'-er-re*). The taking of goods or money from the person of another or in his presence by actual or constructive force without his consent and with the intent to steal.

ROLL (*role*). Originally, a parchment on which some record was kept. A record of the proceedings of a court or public office.

ROUT (*rout*). A disturbance of the peace through the unlawful assembly of three or more persons who attempt to execute a purpose which would be a riot if carried out.

RULE (*rool*). To command; to decide a question of law. A principle, standard, or guide for the regulation of conduct. An order of court. A law.

RULE ABSOLUTE (*rool ab'-so-lute*). A final or imperative rule; a final rule of court upon some matter on which it may have ruled tentatively previously.

RULE NISI (*rool ny'-sy*). A rule that is to become final unless (*nisi*) the party against whom the order is directed shows cause why it should not be enforced.

RULES OF COURT (*rools of kort*). The rules by which the practice of the court is governed.

RULING (*rool'-ing*). A decision of less formality than an order or final judgment on a point of law arising in the trial of a case.

RUN (*run*). To have effect in a certain place, as a writ

running throughout a county, or for a certain time, as the running of the Statute of Limitations. To move about freely, as “to run at large” in the case of animals. To accompany or go with another thing, as the covenant “runs” with the land.

S

S or **SS**. Abbreviation of the Latin word *scilicet*, meaning to-wit.

SABOTAGE (*sab-o-tazh'*). The willful damaging of the property of an employer by an employee or interfering with the normal operation of the business.

SAID (*sed*). Before mentioned; the same; aforesaid.

SALE (*sale*). The transfer of ownership of property from one person to another in consideration of a price in money, which the buyer pays or promises to pay for the property bought.

SALVAGE (*sal'-vaj*). The reward or compensation given to persons by maritime law for voluntary service rendered in rescuing a ship or its cargo from perils of the sea or in recovering such property from loss.

SALVOR (*sal'-vor*). A person who, having no obligation to save a ship in distress, voluntarily assists in the preservation of such ship and its cargo.

SANCTION (*sangk'-shun*). To ratify, confirm or assent. The penalty or punishment by which a law is enforced.

SANS (*sanz*). Without.

SATISFACTION (*sat-is-fak'-shun*). The discharge of an obligation by paying what is due or giving its equivalent. An entry made on the record, by which a

party in whose favor a judgment has been entered declares that he has been satisfied and paid.

SAVING CLAUSE (*save'-ing klawz*). That part of a legal instrument or statute exempting something from the normal operation of the instrument or statute.

SCANDALOUS MATTER (*skan'-da-lus mat'-er*). Irrelevant statements in a pleading, injurious to a person's character or charging a crime which is unnecessary to be shown in the cause.

SCIENTER (*sy-en'-ter*). Knowingly. That allegation in a pleading indicating in a defendant the knowledge of wrong with which a crime or tort was committed.

SCINTILLA (*sin-till'-a*). A spark; the least particle.

SCIRE FACIAS (*sy'-re fay'-she-as*). That you make known—the name of a writ, as well as of the entire proceeding, brought as the result of some public record, and requiring the person against whom it is brought to show cause why the party bringing the action should not have benefit of such record, such as execution under a judgment, or have the record annulled and vacated.

SCROLL (*skrole*). A parchment or other substance with writing on it that is rolled up or is usually kept that way. A mark or scrawl of some kind intended as a seal.

SE (*see*). Himself; itself; themselves; the very person or thing.

SEAL (*seel*). An impression, symbol, or mark placed on an instrument to indicate the solemnity or authenticity with which such instrument is executed.

SEALED VERDICT (*seeld ver'-dikt*). A verdict which has been agreed upon by a jury during an adjourn-

ment of court, reduced to writing and placed in a sealed envelope, and which it is the duty of the jury to affirm or deny at the next opening of the court.

SEARCH (*serch*). An examination of a man's house, premises, or person for the purpose of discovering evidence in regard to some crime of which he is accused. A right existing in a belligerent to search a neutral vessel at sea.

SECOND LIEN (*sek'-und lee'-en*). One which is subordinate to a prior or first lien on the same property and is entitled to satisfaction out of the proceeds next after the first lien.

SECONDARY BOYCOTT (*sek'-un-dare-re boy'-kott*)
An indirect boycott, by which customers or suppliers of an employer are coerced by the organized efforts of striking employees to refrain from dealing with such employer, as the employees refrain directly.

SECONDARY EVIDENCE (*sek'-un-dare-re ev'-i-dense*).
Such evidence as is acceptable after satisfactory proof is made that an original document or primary evidence is lost or inaccessible.

SECURE (*se-kure'*). Safe, strong, stable, firm. To guaranty payment or discharge of an obligation; to give security.

SECURED CREDITOR (*se-kured' kred'-i-tor*). A creditor who has the added assurance of payment of the debt owing him by reason of some special hold on the property of the debtor.

SECURITY (*se-ku'-ri-te*). A shield, protection, or assurance from harm or loss. That which makes the performance of an obligation sure, as the pledge of other property to assure payment. A person who becomes surety for another.

SEDITION (*se-dish'-on*). An attempt by acts, words, or writings to promote riot, rebellion, or public disorder.

SEDUCTION (*se-duk'-shun*). The wrongful act of a man, by means of persuasion or guile rather than force, in inducing a previously chaste female to have sexual intercourse with him.

SEGREGATION LAWS (*seg-re-gay'-shun laws*). Statutes designed to prevent the public intermingling of persons of different races, as whites and blacks.

SEISED (*seezd*). Invested with ownership of property and the right to its possession.

SEISIN (*see'-zin*). Also spelled **SEIZIN**. The ancient feudal investiture of title by actual possession. At present, it means actual possession under legal title or a right to hold.

SEISIN IN FACT (*see'-zin in fakt*). Actual possession under a claim of ownership.

SEISIN IN LAW (*see'-zin in law*). The right to immediate possession.

SEIZURE (*see'-zhur*). The forcible capture or taking possession of a thing. The act of taking possession of goods as a result of violating a public law or as a means of satisfying the judgment of a court.

SELF-DEFENSE (*self-de-fense'*). The protection of one's person or property from injury by another, based on a natural right of self-preservation and the right to resist force with force.

SELF-INCRIMINATION (*self-in-krim-i-nay'-shun*). Acknowledgment of one's guilt in a crime. Acting as a witness against one-self.

SELF-REGARDING EVIDENCE (*self-re-gar'-ding ev'-i-dense*). Facial expressions, deportment, conduct, or words on the part of a party or his witness, which tend to influence the credibility of the evidence presented and which may react to such party's benefit, in which case it is spoken of as "self-saving" evidence, or it may react against him, when it is known as "self-disserving".

SEMPER (*sem'-per*). Always.

SENTENCE (*sen'-tense*). The judgment of the court upon conviction in a criminal case, announcing the punishment imposed.

SEPARATE MAINTENANCE (*sep'-a-rate mane'-tenanse*). Support allowed a woman and children while separated but not divorced from her husband.

SEQUESTRATION (*see-kwes-tray'-shun*). The taking of property of an individual and using it for public purpose or holding it until he does what he may have been ordered by an equity court to do.

SERIATIM (*ser-i-ay'-tim*). Severally; successively; in a series.

SERVICE (*ser'-vis*). The notification and delivery of a writ, process, or order of some kind by an officer of the court to one interested in an action before such court, informing him what is required of him.

SERVIENT TENEMENT (*ser'-vi-ent ten'-e-ment*). The estate on which a charge or burden, such as an easement, is placed for the benefit of another estate—the dominant estate or tenement.

SERVITUDE (*ser'-vi-tude*). The condition of a person who voluntarily or involuntarily is subjected to the authority of another. A charge or burden, as an ease-

ment, placed upon one estate for the benefit of another.

SESSION (*sesh'-on*). The time during which any official body, such as a court or assembly, sits and transacts its business.

SET ASIDE (*set a-side'*). To annul; to make void.

SET-OFF (*set'-off*). A cross demand made by a defendant upon plaintiff, based on a claim other than plaintiff's cause of action and offered to discharge or reduce plaintiff's claim.

SEVERABLE (*sev'-er-a-bl*). Capable of being divided; separable.

SEVERAL (*sev'-er-al*). Separate; distinct; individual. More than two but not a great number.

SEVERAL ACTIONS (*sev'-er-al ak'-shuns*). Separate actions as opposed to joint actions.

SEVERALLY LIABLE (*sev'-er-a-le ly'-a-bl*). Liable individually and not jointly with others.

SEVERANCE (*sev'-er-anse*). The separation of a thing or part of a thing from another. The elimination of one of several plaintiffs in a cause. The pleading separately by several defendants instead of in unison. The alteration of the estate of joint tenancy to some other tenancy.

SHERIFF (*sher'-if*). A county officer who is the chief executive officer of the state in his particular county.

SHIFTING USE (*shif'-ting use*). A use limited in its creation so as to shift from one beneficiary to another upon the happening of some specific event.

SIC (*sik*). So; thus; in this manner.

SIGHT (*site*). Presentment; the date of acceptance or

protest for non-acceptance of a bill of exchange.

SIGNATURE (*sig'-na-chur*). The writing of one's name or the putting of some mark intended as the same at the end of an instrument, to attest its validity.

SILENT PARTNER (*sy'-lent part'-ner*). A dormant partner—one who although an actual partner is not known as such to the public.

SIMILITER (*si-mil'-i-ter*). Likewise. The name of the formal acceptance by a party of an issue of fact tendered by the opposite party.

SINE (*sy'-ne*). Without.

SINE DIE (*sy'-ne dy'-e*). Without day; without any time set for further consideration.

SITUS (*sy'-tus*). Location; the place where a person or thing is situated.

SLANDER (*slan'-der*). The speaking of false, defamatory words, which are injurious to another's reputation.

SLANDER OF TITLE (*slan'-der of ty'-tle*). The malicious speaking or publishing of false information as to another's title to real or personal property, resulting in damage to him.

SMART-MONEY (*smart mun'-ne*). Punitive or exemplary damages awarded as an enhancement of actual damages because of particularly vicious conduct on the part of defendant and serving as an example or punishment.

SMUGGLING (*smug'-ling*). The act of bringing into a country goods without paying the duty thereon and intending not to pay, or the bringing into or taking out of the country goods the importation or exportation of which is prohibited.

- SOCAGE** (*so'-kaje*). A feudal tenure by which the tenant held his lands by certain services other than military service.
- SODOMY** (*sod'-om-me*). The crime of unnatural sexual intercourse between humans or with a beast.
- SOLE** (*sole*). Alone; single; individual.
- SOLICITATION** (*so-lis-i-tay'-shun*). The offense of inducing another to commit a crime.
- SOLVENCY** (*sol'-ven-see*). The ability of a person to pay his debts and the availability of his property to process of law for the same purpose.
- SOVEREIGN** (*sov'-er-an*). The ruler; a king; the person or body in which the supreme power in a state is vested.
- SOVEREIGNTY** (*sov'-er-an-te*). The independence of a state, enabling it to regulate its affairs without outside interference.
- SPEAKING DEMURRER** (*spee'-king de-mer'-er*). A demurrer which introduces new matter, not mentioned in the bill, and requests dismissal of the bill on account of such new matter.
- SPECIAL ASSUMPSIT** (*spesh'-al a-sump'-sit*). The action of assumpsit when based on an express promise or contract and so declared by plaintiff.
- SPECIAL INDORSEMENT** (*spesh'-al in-dors'-ment*). An indorsement of a negotiable instrument which not only bears the signature of the party indorsing but also indicates specifically to whom or to whose order the instrument is made payable.
- SPECIAL PARTNER** (*spesh'-al part'-ner*). A limited partner—one with restricted liability.

- SPECIALTY** (*spesh'-al-tee*). A promise or obligation in writing sealed and delivered, as distinguished from a simple contract.
- SPECIFIC PERFORMANCE** (*spe-sif'-ik per-for'-manse*). The actual carrying out or fulfilling an obligation by the party bound to do so. The name of the equitable remedy by which a party is compelled to fulfill his contract as originally intended.
- SPECULATIVE DAMAGES** (*spek'-u-lat-tiv dam'-a-jez*). Damages which go beyond the actual measurable damages and compensate for such remote injuries as wounded pride, emotional strain, public shame, etc.
- SPENDTHRIFT TRUST** (*spend'-thrift trust*). A trust in which the income cannot be alienated by the beneficiary or reached by his creditors before it is paid to him.
- SPITE FENCE** (*spite fense*). A fence erected on one's own land to annoy the adjoining neighbor by cutting off his light, air, or view.
- SPOLIATION** (*spo-li-ay'-shun*). Change or alteration in a writing or the destruction of the thing by a stranger thereto.
- SPRINGING USE** (*spring'-ing use*). A use arising in the future and taking effect on the happening of some event. It resembles the executory devise, except that it is created by deed rather than by will.
- SS.** Customary abbreviation of "scilicet", the Latin word meaning that is to say, to-wit.
- STARE DECISIS** (*stay'-re de-sy'-sis*). To abide by former decisions. The maxim or principle followed by courts, that when a point has been settled by decision, it forms a precedent which is to be followed when the same point arises again in litigation.

STATE (*state*). An organization of people for political purposes, occupying permanently a fixed territory and possessing an organized government capable of making and enforcing law within the community.

STATE'S ATTORNEY (*states a-ter'-ne*). A public prosecutor; a public officer, elected or appointed, to prosecute suits in behalf of the state in his county or district.

STATE'S EVIDENCE (*states ev'-i-dense*). Testimony given in behalf of the prosecution by an accomplice in order to convict the other participants in the crime and to be released himself or given preferred treatment.

STATUS (*stay'-tus*). The standing or condition in which a person or thing may be in at any particular time.

STATUS QUO (*stay'-tus kwo*). The present or existing condition or state of affairs.

STATUTE (*stat'-ute*). A law enacted and established by the legislative department of a government.

STAY (*stay*). To stop temporarily further proceedings. An order of court, stopping or arresting judicial proceedings.

STEAL (*steel*). To commit theft or larceny.

STIPULATION (*stip-u-lay'-shun*). A matter agreed upon. An agreement between opposing attorneys on some matter before a court. An understanding in the nature of a bond, filed in an admiralty proceeding, to secure the release of a ship.

STIRPES (*ster'-pez*). The root-stem or stock of a tree. Descent; family; or the person from whom a family is descended.

STOCK (*stock*). The capital of a merchant or business

man. The goods and merchandise he has for sale. The right to share, according to the amount of one's subscription, in the profits and management of a corporation.

STOPPAGE IN TRANSITU (*stop'-aj in tran'-zi-tu*).

The regaining of possession from the carrier of goods, sold on credit and not yet paid for, before they have been delivered to the buyer, upon learning of his insolvency.

STRANGER (*strane'-jer*). A third person—one who is not privy to a contract or other matter.

STRIKE (*strike*). The cessation of work by employees acting in unison in order to obtain higher wages or other benefits from the employer.

STRIKE OUT (*strike out*). To eliminate or nullify the effect of improper material in a pleading or other record.

STRIKING A JURY (*strike'-ing a joo'-re*). The selecting of a jury of twelve men, usually called a special jury, by striking off names on a specially prepared list until it has been reduced to twelve.

SUB (*sub*). Under; subordinate to; upon.

SUBAGENT (*sub-aje'-ent*). A person employed by an agent to act in his behalf for the latter's principal.

SUBINFEUDATION (*sub-in-fu-day'-shun*). The practice by which a feudal tenant granted a smaller estate out of that held of a lord, the tenant thereby becoming a lord in some respects too.

SUBLEASE (*sub'-lease*). A lease by a tenant to another person of a part of the premises held by him or all of the premises for a shorter period of time. If

the whole estate is leased to another, it is an assignment rather than a sublease.

SUBORNATION OF PERJURY (*sub-or-nay'-shun of per'-joo-re*). The crime of inducing or inciting another to commit perjury.

SUBPOENA (*sub-pee'-na*). The process to cause a person by reason of possible penalty, to appear in court and give testimony in a cause. The technical name for such writ is subpoena ad testificandum.

SUBPOENA DUCES TECUM (*sub-pee'-na du'-seez tee'-kum*). The same process as the usual subpoena with the additional order upon the witness to bring the books, papers, documents, etc. mentioned in the subpoena.

SUBROGATION (*sub-ro-gay'-shun*). The substitution of one person in the place of another, with the former succeeding to a claim, demand, or right previously existing in the latter, as, for instance, in the case of a debt paid by a third party, whatever rights the creditor may have had, including such security he may hold, succeed to the third party under the principle of subrogation.

SUBSCRIBE (*sub-skribe'*). To write underneath, as one's signature at the end of a document. To enter into an agreement to furnish money.

SUBSCRIBING WITNESS (*sub-skribe'-ing wit'-ness*). One who affixes his signature to a document in order to prove its execution at any future time.

SUBSTANTIVE LAW (*sub'-stan-tiv law*). Those rules of law which define general rights and duties which make up all law except those rules which prescribe a remedy or method of redress, which latter are called remedial or adjective law.

SUE (*sue*). To prosecute; to maintain legal proceedings against another.

SUFFERANCE (*suf'-er-anse*). Passive consent; consent implied by failure to object; toleration.

SUFFRAGE (*suf'-raj*). The privilege to vote; a vote or the act of voting.

SUI GENERIS (*su'-i jen'-er-is*). Of its own kind; peculiar to itself.

SUI JURIS (*su'-i joo'-ris*). In his own right; capable of contracting and acting for himself.

SUIT (*sute*). A legal action; any proceeding of a civil nature in a court.

SUMMARY (*sum'-ar-re*). Short; immediate; peremptory; without a jury.

SUMMONS (*sum'-onz*). A writ or process to secure the appearance of a defendant in court to answer a civil suit against him.

SUMPTUARY LAWS (*sump'-tu-a-re laws*). Laws designed to curb such extravagant and wasteful living habits as may be considered against public policy.

SUO NOMINE (*su'-o no'-mi-nee*). In his own name.

SUPER (*su'-per*). Above; over; on; upon; during.

SUPERIOR COURT (*su-pere'-i-or kort*). A court not limited in its jurisdiction as in the case of an inferior court.

SUPERSEDEAS (*su-per-see'-de-as*). A writ to stay proceedings in a law court and to prevent the enforcement of a judgment of such court.

SUPPLEMENTAL (*sup-le-men'-tal*). Something added

to another thing in order to make it more complete or to correct a defect.

SUPPLEMENTAL BILL (*sup-le-men'-tal bill*). A new bill, more formal than an amendment, filed in an equity suit to aid an original bill and to correct any weakness or defect in the original.

SUPPLEMENTARY PROCEEDINGS (*sup-le-men'-tare pro-see'-dings*). Proceedings in aid of an execution, designed to secure information as to a debtor's property so that it may be reached by such execution.

SUPRA (*su'-pra*). Above; upon; previously mentioned.

SUPREME COURT (*su-preme' kort*). The court of last resort in most of the states, as well as in the government of the United States.

SURETY (*shoor'-te*). A person who binds himself along with another, called the principal debtor, to perform some obligation.

SURETYSHIP (*shoor'-te-ship*). The contract or promise by which a person becomes bound with another to satisfy an obligation if the latter does not.

SURPLUSAGE (*ser'-plus-aj*). Any matter in a pleading that is not required or is unnecessary.

SURREBUTTER (*ser-re-but'-er*). The pleading of the plaintiff serving as a reply to defendant's rebutter.

SURREJOINDER (*ser-re-join'-der*). The pleading of the plaintiff in answer to defendant's rejoinder.

SURROGATE (*ser'-o-gate*). A county judge who handles such jurisdiction as the probate of wills, administration of estates, and guardianship.

SWEAR (*sware*). To declare under oath, duly administered, the truth of some matter. To become bound

by an oath; to administer an oath to another.

SWORN (*sworn*). Verified; given or executed under oath.

SYLLABUS (*sil'-a-bus*). An abstract; a condensation; a brief statement as to the content, meaning and import of a longer writing; the headnote preceding a reported case and stating the rule of law that the case sets forth.

SYMBOLIC (*sim-boll'-ik*). That which, while not the same, stands for or represents something else.

T

TACIT (*tas'-it*). Implied; unspoken assent; understood because of the nature of the thing or because of lack of open dissent.

TACKING (*tack'-ing*). The combining of successive periods of adverse possession of persons in privity with each other in order to establish a continuous adverse possession and thereby a legal title in property.

TAIL (*tale*). Limited; curtailed; lessened.

TALESMEN (*tay'-lez-men*). Persons picked to fill out a deficiency in a regularly summoned jury panel.

TARIFF (*tare'-if*). A schedule of rates. The customs tax or duty payable on articles of merchandise. The practice of imposing duty on imported merchandise.

TAX (*tacks*). Any contribution enforced by the state on people or property for the support of the government.

TAX DEED (*tacks deed*). An instrument purporting to convey title to property to the purchaser at a sale for the non-payment of taxes assessed against the property.

TAX LEVY (*tacks lev'-e*). The fixing of a total tax to be collected and the establishment of a rate of taxation.

TAX LIEN (*tacks lee'-en*). A lien in favor of the government upon the property of a tax debtor.

TAX SALE (*tacks sale*). A sale of property for unpaid taxes.

TAX TITLE (*tacks ty'-tl*). The title, superseding all previous titles and claims, by which a person holds land purchased at a tax sale.

TAXABLE (*tacks'-a-bl*). Subject to taxation. Legally chargeable as costs in a law suit.

TENANCY (*ten'-an-see*). The estate by which one holds lands or tenements. Popularly, it is one created by lease to exist for a limited time but it may also be one held in fee or any kind of title, as, for instance, tenancy in common.

TENANCY AT SUFFERANCE (*ten'-an-see at suf'-er-anse*). A tenancy which is created by means of a person, who has come into possession rightfully, holding over without right after the expiration of his interest.

TENANCY AT WILL (*ten'-an-see at will*). A tenancy arising when land is leased to another to be held at the will of the latter.

TENANCY BY THE ENTIRETY (*ten'-an-see by the en-tire'-te*). A tenancy created by a conveyance to a husband and wife unless some other estate is manifest from the grant. This is the same as joint tenancy, except that the parties must be husband and wife, who according to the common law are considered as one.

TENANCY FOR LIFE (*ten'-an-see for life*). A tenancy

held for the term of one's life or that of another person.

TENANCY FOR YEARS (*ten'-an-see for yeres*). A tenancy created by lease for a fixed period of years.

TENANCY FROM YEAR TO YEAR (*ten'-an-see from yere to yere*). A tenancy created by a lease that fixes no certain time of expiration or by a holding over after a fixed time has expired.

TENANCY IN COMMON (*ten'-an-see in kom'-on*). The holding of an estate in lands by two or more persons, who have equal right to possession but whose titles thereto are several and distinct.

TENANT (*ten'-ant*). A person having the temporary use and occupancy of real property owned by another. One who holds lands or tenements under any kind of right or title, either in fee, for life, for years, or otherwise.

TENDER (*ten'-der*). The offering of the exact sum due to a person holding a claim against one in order to satisfy the obligation. An offer of performance made in such a way that a refusal places the party refusing in default and gives the party making the tender the right to consider the refusal a breach of contract.

TENDER OF ISSUE (*ten'-der of ish'-oo*). The customary final clause in a pleading, namely "and of this he puts himself upon the country", by which the party offers to submit the question raised by the pleading to the court or jury.

TENEMENT (*ten'-e-ment*). A house or building. Anything of a permanent nature that may be held in ownership or possession, regardless of whether it is physical property or merely a property right.

TENOR (*ten'-or*). A term used in pleading and denoting

that an instrument is set out in its exact words and not simply by the substance of it.

TENURE (*ten'-ure*). The mode by which a person holds an estate in lands, which under the feudal system was one that was coupled with some service to a superior lord. The time for which property or an office may be held.

TERM (*term*). An extent of time for which an estate is granted, as well as the manner by which the estate is held. The duration of time that a court is in session or that a person holds an office. A word, phrase, or expression that has come to have a recognized technical meaning.

TERMOR (*term'-or*). A person holding lands for a term of years.

TERRA FIRMA (*tare'-ra fer'-ma*). Firm land.

TERRITORIAL (*tare-ri-tor'-i-al*). Pertaining to or relating to a territory of the United States.

TERRITORY (*tare'-i-tor-re*). Land and adjacent water over which the United States exercises sovereign power but which is not part of any state.

TESTACY (*tes'-ta-see*). The situation existing in regards to a person's property when he dies leaving a will. It is the opposite of intestacy—dying without leaving a will.

TESTAMENT (*tes'-ta-ment*). A solemn expression by a person as to what he desires to have done after his death. A disposition of one's personal property according to his desires after his death. The word is also used as synonymous with "will" in passing land as well as personal property.

TESTAMENTARY (*tes-ta-men'-ta-re*). Belonging to a

testament; made with the intent that it should take effect as a will.

TESTAMENTARY CAPACITY (*tes-ta-men'-ta-re ka-pass'-i-te*). The mental capacity required in the making of a will.

TESTAMENTARY DISPOSITION (*tes-ta-men'-ta-re dis-po-zish'-on*). A gift of property not to take effect until the grantor dies.

TESTATE (*tes'-tate*). The condition of one who dies leaving a will.

TESTATOR (*tes-tay'-tor*). A man who dies leaving a will.

TESTATRIX (*tes-tay'-triks*). A woman who dies leaving a will.

TESTE OF A WRIT (*tes'-te of a rit*). The clause and signature in attestation of a writ, indicating by what authority it is issued.

TESTIFY (*tes'-ti-fy*). To give evidence as a witness.

TESTIMONIUM CLAUSE (*tes-ti-mo'-ni-um klawz*). The last clause in a deed or other instrument, beginning with the words: "In witness whereof, etc."

TESTIMONY (*tes'-ti-mo-nee*). Oral evidence; statements made by a witness under oath.

THEFT (*theft*). Common term for larceny.

THEFT-BOTE (*theft'-bote*). The offense under the common law of the owner of stolen goods taking back from the thief such property with the understanding that the latter will not be prosecuted.

THINGS PERSONAL (*things per'-son-al*). Goods, money, and other forms of property which can be carried by the owner wherever he may go.

THINGS REAL (*things reel*). Permanent and fixed objects, such as lands and tenements.

THIRD DEGREE (*therd de-gree'*). Popular term for forcing a confession from a prisoner.

THIRD PARTIES (*therd par'-tees*). All persons who are not immediately concerned or a party to a contract, instrument, or other transaction.

THIRD PERSON (*therd per'-son*). A person not a party or privy to a suit, instrument, or contract.

TIDE LANDS (*tide lands*). Lands regularly covered and uncovered by tide-waters.

TITHES (*tythz*). The ancient right of the church to a tenth part of the produce of lands, the livestock, and the personal industry of the inhabitants.

TITHING (*ty'-thing*). Originally, a civil district of England, consisting of ten families, thus constituting a tenth of that larger division, a "hundred".

TITHING-MAN (*ty'-thing-man*). The head or chief of a district of ten families. The same as a constable now.

TITLE (*ty'-tl*). The outward evidence of the right to or ownership of property. The name by which anything is known.

TOLL (*tole*). A sum of money charged for the use of something or for a service, as a toll for the use of a bridge. To bar, to defeat, to take away, as to toll the statute of limitations, which means to take away the effect of the statute.

TORT (*tort*). A private wrong, giving rise to a civil action rather than a criminal one. A legal wrong committed upon the person or property of another independent of contract.

TORT-FEASOR (*tort'-fee-zor*). The person who commits a tort or wrong.

TORTIOUS (*tor'-shus*). Wrongful; having the qualities of a tort.

TOWN (*toun*). An area in which many people live in fairly close proximity. All municipal corporations in general.

TOWNSHIP (*toun'-ship*). A political subdivision of a county, having limited governmental functions. A division of the public lands of the United States, six miles square, containing thirty-six sections.

TOXICOLOGY (*tok-si-kol'-o-je*). That phase of medical science which concerns poisons and their effect upon the human being.

TRADE (*trade*). The buying, selling, or exchanging of goods between the people of a state or nation. The business, occupation, or employment which a person follows as a means of livelihood.

TRADE ACCEPTANCE (*trade ak-sep'-tanse*). A draft or bill of exchange drawn by the seller of goods on the purchaser of such goods and accepted by the latter.

TRADE FIXTURES (*trade fiks'-churs*). Personal property, which is necessary to the carrying on of a trade, and which is annexed to real estate and becomes part of it.

TRADEMARK (*trade'-mark*). The particular mark, symbol, or device by which the wares of a merchant or manufacturer are recognized in trade as emanating from him.

TRADE NAME (*trade name*). A name descriptive of a manufacturer, dealer, or other person engaged in

business to distinguish the company, rather than its products, from others.

TRANSACTION (*trans-ak'-shun*). The doing or agreeing to do any business act.

TRANSCRIPT (*trans'-kript*). A copy of any written instrument.

TRANSFER (*trans'-fer*). Any act by which the title to property passes to another.

TRANSFeree (*trans-fer-ree'*). The person to whom a transfer is made.

TRANSFEROR (*trans-fer'-or*). The person making a transfer and passing title.

TRANSITORY ACTION (*tran'-si-tor-re ak'-shun*). An action which may be commenced not in one certain place but wherever the defendant may be found.

TRAVERSE (*trav'-ers*). To put off, delay, or deny. A pleading which denies the allegations of the pleading of the opposite party.

TREASON (*tree'-zn*). The crime of attempting to overthrow the government of a country to which one owes allegiance, supporting a war against it, or assisting an enemy.

TREASURE-TROVE (*trezh'-ur-trove*). Money, coin, or other precious metals, discovered by accident hidden in the ground, in a house, or other private place, the owner being unknown.

TREATY (*tree'-te*). An agreement entered into formally between two independent nations, to operate in perpetuity or for a considerable length of time and to promote the public welfare.

TRESPASS (*tress'-pass*). An unlawful entry upon the

realty of another. Any unlawful act committed with force, actual or implied, to the person, property, or rights of another with resulting damage to the latter. The form of action which lies to recover damages for any wrong done forcibly to one's person or property.

TRESPASS AB INITIO (*tress'-pass ab in-ish'-e-o*). The principle of law by which one who is originally given a right or privilege but abuses it is considered a trespasser from the beginning.

TRESPASS DE BONIS ASPORTATIS (*tress'-pass de boe'-nis as-por-tay'-tis*). The common law form of action to recover damages for the taking of goods out of the possession of plaintiff.

TRESPASS ON THE CASE (*tress'-pass on the kase*). The form of action used when the injury is not the result of force or when it results indirectly from the act of defendant.

TRESPASS QUARE CLAUSUM FREGIT (*tress'-pass kway'-re klaw'-sum free'-jit*). Because he had broken the close—the form of action to recover damages for unlawful entry upon the realty of plaintiff.

TRESPASS VI ET ARMIS (*tres'-pass vy et ar'-mis*). With force and arms—the form of action to recover damages for an injury resulting from a wrong forcibly inflicted upon the person or personal property of plaintiff.

TRESPASSER (*tress'-pass-er*). One who commits a trespass. One who goes on the land of another without license or invitation.

TRIAL (*try'-al*). Any proceeding before a competent tribunal to determine the rights of parties or the issues placed before it.

TROVER (*tro'-ver*). The form of action to recover damages from one who has, without right, converted to his own use personal property belonging to another.

TRUE BILL (*troo bill*). A bill of indictment indorsed with the words "Billa vera" (true bill), indicating that a grand jury has found sufficient cause for the trial of the accused, from which words the indictment is called a true bill.

TRUST (*trust*). The holding of property, either real or personal, by one person for the benefit of another. A combination of persons or corporations, usually in the same line of business, formed for the purpose of controlling production, limiting supply, fixing prices, and thereby creating a monopoly detrimental to the free course of trade and commerce.

TRUST COMPANY (*trust kum'-pa-nee*). A corporation organized to administer trusts of various kinds and to act as trustee.

TRUST DEED (*trust deed*). A deed in the nature of a mortgage, given to a trustee to secure certain creditors, the trustee having the power to foreclose or sell to satisfy the creditors if they are not taken care of as indicated in the trust deed.

TRUSTEE (*trus-tee'*). The person to whom an estate, interest, or right to property is given to be held or managed for the benefit of another.

TRUSTEE EX MALEFICIO (*trus-tee' eks mal-e-fish'-e-o*). A trustee by reason of his own wrongdoing; a person considered by equity as being a trustee in relation to some subject-matter, as a result of wrongful conduct on his part, thus preventing him from profiting from his wrong.

TRUSTEE IN BANKRUPTCY (*trus-tee' in bank'-rup-*

see). A person, acting as officer of the court, in whom the property of a bankrupt is vested in trust for the creditors.

TRUSTOR (*trus'-tor*). The one who makes or creates a trust.

TRY (*try*). To conduct a trial or act as counsel in one.

U

UBERRIMA FIDES (*u-ber'-ri-ma fy'-deez*). Of the utmost good faith—a phrase, sometimes written *uberrimae fidae* or *uberrimae fidei*; indicating the good faith, with nothing concealed, with which contracts should be made.

ULTIMATE FACTS (*ull'-ti-mate fakts*). The final facts or issues to be decided rather than such facts which are evidentiary or merely prove or disprove the final facts.

ULTRA (*ull'-tra*). Beyond; outside of; over and above; in excess of.

ULTRA VIRES (*ull'-tra vy'-rez*). Powers over and above those granted. A term used in the case of a corporation when it has done some act beyond the scope of its charter or the powers granted to it.

UNA VOCE (*u'-na vo'-se*). With one voice; unanimously.

UNDERWRITER (*un'-der-ry-ter*). An insurer; a party who insures another, either on life or property, through a policy of insurance.

UNDERWRITING (*un'-der-ry-ting*). An agreement to insure the sale of stock, bonds, or other securities,

the insurer agreeing to purchase them himself if they are not sold as expected.

UNDUE INFLUENCE (*un-doo' in'-floo-ense*). Such influence as compels one to act against his will because of fear, desire of peace, misplaced confidence, or any feeling that may be imposed upon.

UNFAIR COMPETITION (*un-fare' kom-pe-tish'-on*). Dishonest and fraudulent practices in trade and commerce. The deceiving of the public by the substitution of the goods of one person for those of another, or by imitating the name, symbol, devices of such other in the operation of a rival concern.

UNILATERAL CONTRACT (*u-ni-lat'-er-al kon'-trakt*). A contract in which one party makes a promise or engages to perform without receiving a similar promise in return from the other, or one in which one party has performed already.

UNILATERAL MISTAKE (*u-ni-lat'-er-al mis-take'*). A mistake on the part of only one of two parties to a contract.

UNITED STATES COMMISSIONER (*u-ny'-ted states kum-ish'-on-er*). An officer appointed by each United States district court to act in some respects as a preliminary magistrate in complaints of offenses against the laws of the United States.

UNITY (*u'-ni-tee*). Such union of interest or qualities of certain kinds that give the effect of oneness.

UNJUST ENRICHMENT (*un-just' en-rich'-ment*). An equitable principle which enables a person to recover for a benefit bestowed upon another, the retention of which would be unjust, this principle being the basis of quasi-contracts.

UNLAWFUL ASSEMBLY (*un-law'-ful a-sem'-ble*). A

meeting of three or more persons for the purpose of assisting each other in the carrying out of some unlawful enterprise or design with force and violence. Such meeting is a disturbance of the peace under the common law; it becomes a rout if the participants make any move toward execution of the design; and winds up as a riot if the design is actually carried out.

UNLIQUIDATED (*un-lik'-wi-day-ted*). Unpaid; not determined; unascertained; unsettled.

USE (*use*). To employ. Act of employing something. The purpose which anything may have. The predecessor of the present-day trust, by which land was placed in the hands of one with the intention that it be utilized and disposed of for the benefit of another, called the *cestui que use*.

USQUE (*us'-kwee*). Until; up to; as far as.

USUFRUCT (*uze'-u-frukt*). The right to use or enjoy a thing, the property of which is vested in another.

USUFRUCTUARY (*uze-u-fruk'-tu-ar-re*). The one who has the right and enjoyment of a usufruct.

USURY (*u'-zhur-re*). A rate of interest higher than that allowed by law.

UTTER (*utt'-er*). To publish; to put into circulation; to offer.

V

VACATE (*vay'-kate*). To move or leave unoccupied. To annul; to make void.

VAGRANCY (*vay'-gran-se*). A course of life whereby a person who is able to work carries on no useful occupation, has no fixed abode, and exists on the charity of others.

VALID (*val'-id*). Legal; effective; binding; not void.

VASSAL (*vas'-al*). A tenant or landholder under the feudal system required to give feudal service to his lord. In view of the original servitude connected with the word, vassal eventually came to mean a slave.

VEIN (*vane*). A belt or definitely defined portion of the earth's crust consisting of mineralized rock or valuable minerals, clearly separated from the neighboring rock and extending in a continuous path.

VENDEE (*ven-dee'*). A purchaser or buyer, usually of real property.

VENDOR (*ven'-dor*). The seller, usually of real property rather than of goods.

VENDOR'S LIEN (*ven'-dors lee'-en*). An equitable lien, existing in favor of the vendor of real estate on the land sold for the purchase price where no other security is taken. The right of the seller of goods to retain possession, in the absence of other agreement, until the goods are paid for.

VENIRE (*ve-ny'-re*). To come. Technically, the writ by which a jury is summoned, although it is sometimes used as meaning the entire body of names so summoned.

VENIREMAN (*ve-ny'-re-man*). A person summoned for service on a jury.

VENUE (*ven'-u*). The county in which a case rightfully can be tried and from which the jurors are to come.

VERBAL (*vir'-bal*). Spoken; by word of mouth; parol.

VERDICT (*vir'-dikt*). The decision of the jury reported to the court on the matters of fact submitted to the jury for trial.

VERIFICATION (*ver-i-fi-kay'-shun*). Confirmation of the truth of a statement or writing by affidavit or oath or by the offering of proof.

VERSUS (*vir'-sus*). Usually abbreviated v. or vs. in the title of a cause, it means against, as Jones vs. Smith.

VEST (*vest*). To take effect; to give an immediate, fixed interest in property or a fixed right to future enjoyment of the property.

VESTED ESTATE (*ves'-ted es-tate'*). An estate in which there is a definite and fixed right to present or future enjoyment.

VESTED INTEREST (*ves'-ted in'-ter-est*). Such interest, whether it entitles the owner to take possession now or in the future, as is fixed and certain, so that the interest can be aliened.

VESTED REMAINDER (*ves'-ted re-mane'-der*). An estate by which a present interest and title passes to a party and which is to be enjoyed in the future after the expiration of a particular prior estate.

VESTED RIGHT (*ves'-ted rite*). An immediate right to present enjoyment of property or a fixed and determined right to future enjoyment. A right to the continued existence of a law, situation, or privilege, of which the individual cannot be deprived arbitrarily without injustice.

VI ET ARMIS (*vy et ar'-mis*). With force and arms; violently.

VIDELICET (*vi-del'-i-set*). Namely; that is to say; to-wit. Usually abbreviated as "viz."

VILLEIN (*vil'-en*). In feudal times, a person attached to a manor and belonging to the lord somewhat as a slave.

VINCULUM MATRIMONII (*ving'-ku-lum mat-ri-mo'-ne-eye*). The bond of matrimony; the marriage tie or obligation.

VINDICTIVE DAMAGES (*vin-dik'-tiv dam'-a-jez*). Punitive or exemplary damages—damages given in addition to the ordinary ones because of the seriousness of defendant's neglect or actions.

VIS MAJOR (*vis may'-jor*). A greater or superior force; an act of God, or, in other words, an inevitable accident.

VIZ. (*viz*). Abbreviation for *videlicet*, which see above.

VOID (*void*). Empty; null; of no legal force or effect.

VOIDABLE (*voi'-da-bl*). That which may be declared void; of full force and effect until or unless a party has the right to consider it ineffectual and does so.

VOIR DIRE (*vwor dir*). To speak the truth. A preliminary examination and oath to determine whether a witness or prospective juror is competent.

VOLUNTARY MANSLAUGHTER (*vol'-un-tare-re man'-slaw-ter*). A somewhat less heinous offense than murder, in that the killing, while intentional, is without malice or premeditation and the result of reasonable provocation.

VOLUNTEER (*vol'-un-teer*). A stranger to a transaction; one who performs service to help another or pays the debt of such other without request, without expectation of return, and with no interest of his own to protect.

VOUCHER (*vou'-cher*). A book of account; a written receipt or statement of payment.

VS. An abbreviation for *versus*, meaning against.

W

WAGER (*way'-jer*). A bet; a gambling contract, in which the parties lose or gain on the happening of some uncertain thing in which they have no other interest.

WAGES (*way'-jez*). Payment or compensation for labor, usually of the manual kind.

WAIFS (*wafes*). Goods stolen by a thief and waived or scattered in his flight in order to effect his escape.

WAIVE (*wave*). To abandon or give up a right; to throw away; to forsake; to relinquish.

WAIVER (*way'-ver*). A voluntary relinquishment or denial of a known right.

WANTON (*wan'-ton*). Willful; done with reckless disregard to consequences.

WAR (*war*). An interruption in the peaceful relations between nations by means of strife between two or more such nations, witnessed by contests of force authorized by the sovereign powers.

WARD (*ward*). A person, usually a minor, under the restraint of guardianship. A district or division of a municipality.

WARDEN (*war'-dn*). A keeper; a guardian; the superintendent of a prison.

WARDSHIP (*ward'-ship*). The right of the lord, in feudal law, over the person and property of his tenants during their minority.

WAREHOUSEMAN (*ware'-hous-man*). A person who as a business and for profit receives and stores goods and merchandise of others in his warehouse.

WARRANT (*war'-ant*). To assure the truth of a matter. A writ issued by competent authority directing the arrest of a person named therein. An acknowledgment of debt by a municipality or town and order to pay such debt when funds are available for the purpose.

WARRANTEE (*war-an-tee'*). The person to whom a warranty is made.

WARRANTOR (*war'-an-tor*). The person who makes a warranty.

WARRANTY (*war'-an-te*). An assurance or promise that a statement of fact is true as made. An undertaking by a party to answer for any loss occasioned another party by failure of the actual article bargained for or the final result of a transaction to come up to a standard contemplated by the parties.

WASTE (*waste*). Abuse, mismanagement, destruction, or improper use of real estate by one in rightful possession, resulting in permanent injury to the prejudice of the heir or of the person to whom possession is to succeed.

WATERED STOCK (*wau'-terd stok*). Stock issued by a corporation without consideration or for money, property or services of a value less than the value of the stock.

WAY (*way*). A path, road, street, or avenue of passage. A right of passage over another's land.

WAY-BILL (*way'-bill*). A list of the passengers or a description of the freight carried on a vehicle or ship.

WELSH MORTGAGE (*welsh mor'-gaj*). A type of mortgage, the principal features of which are that the mortgagee takes possession of the mortgaged property and uses the rents and profits in liquidation of the debt, that the mortgagor may redeem at any

time, and that such right to redeem cannot be foreclosed since there is no fixed time of payment and thus there can be no default.

WHARFAGE (*war'-faj*). The charge, rent, or compensation for the use of a wharf.

WHITEACRE (*wite'-ake-er*). A term by which text writers and others refer, for the sake of argument, to some supposed piece of land.

WHOLE BLOOD (*hole blud*). Such relationship as exists when two people have the same parents.

WILFUL (*wil'-ful*). Voluntary or intentional, plus, to some extent at least, a bad motive or purpose.

WILL (*wil*). A written instrument, executed with the formalities required by law and expressing a person's final wishes or disposition of his property, or both, to be followed at his death.

WITHOUT PREJUDICE (*with-out' prej'-oo-dis*). Without the loss of any right or privilege except what is actually conceded.

WITHOUT RECOURSE (*with-out' re-korse'*). Without liability to person signing thusly.

WITNESS (*wit'-ness*). A spectator or listener. One who because of first-hand knowledge or experience is able to testify as to some fact or matter. To subscribe one's name to a document for the purpose of proving its execution if the authenticity of the document should subsequently be questioned.

WRIT (*rit*). An order in writing, issued by a court or other competent jurisdiction in the name of the state or sovereign, directed to the sheriff or other proper officer to execute the same, and directing the defendant or party mentioned therein to do what the order calls for.

WRIT OF ASSISTANCE (*rit of a-sis'-tanse*). Process or writ issued by a chancery court for the purpose of ejecting a person from certain real estate and putting the plaintiff into possession.

WRIT OF ENTRY (*rit of en'-tre*). An action to recover real property by one who has been wrongfully dispossessed.

WRIT OF ERROR (*rit of er'-or*). A writ directed to a court of record by a higher court so that the appellate court may review errors claimed to have been made and possibly correct them.

WRIT OF ERROR CORAM NOBIS (OR VOBIS) (*rit of er'-or kor'-am no'-bis (or vo'-bis)*). A writ sued out by a party to correct an error of fact and directed to the same court in which judgment was rendered in order to correct the error.

WRIT OF EXECUTION (*rit of ek-se-ku'-shun*). The usual writ to make a judgment effective, that is, to bring about the result intended by the judgment.

WRIT OF RESTITUTION (*rit of res-ti-tu'-shun*). A writ which directed the restoration of property levied upon or the proceeds, if it had been sold, because the judgment upon which the levy was based was reversed by a higher court.

WRIT OF RIGHT (*rit of rite*). An action available by one who has the right to property to recover its actual possession from another.

WRITTEN LAW (*rit'-en law*). Statute law; law established by legislative enactments, as distinguished from unwritten law or the law developed by the courts.

WRONG (*rawng*). A tort; the invasion of some legal right.